

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44856 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -CHAUSA District- MADHEPURA

1. Rupesh Ray son of Giro Ray @ Kapildeo Ray
2. Raja Ray, @ Rajo Ray S/o. Kapildeo Ray. null
3. Bauni Ray son of Late Ram Ray
4. Ranu Sharma @ Ramu Sharma, S/o. Baudhi Sharma, All residents of Village- Sighiya Tola, Lauwa Lagoin, P.S. Chausa, District- Madhepura.
5. Marshal Ray @ Marshal Kumar s/o. Rajpati Mahto, resident of Village-+ P.S. Dhamdaha, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar-1

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-03-2016 Heard learned counsel for the petitioners and learned Special P.P. for the State.

The petitioners apprehend their arrest in connection with Chausa P.S.Case No. 29/2015, G.R. No. 228 of 2015 registered for offences punishable under Sections 147, 148, 149, 323, 324, 325, 307, 302 of the Indian Penal Code and 3(1) (V) (X) S.C. /S.T.(Prevention of Atrocities Act).

The prosecution case is that the informant was constructing his house, other co-accused persons armed with bhala, garasa and lathi came and assaulted the informant, Munni



Rajak and seven others, causing injuries on different parts of the body including head as a result Munni Rajak died. It is also alleged that the petitioners have also abused taking caste name stating that they have been dispossessed from the ancestral land. It has been submitted by the learned counsel for the petitioners that there is land dispute between the parties. It has been submitted that a counter case bearing Chousa P. S. Case No. 30/2015 for the same offence and for the said occurrence of the same day, has been lodged by the petitioners' side due to which many persons and the petitioners' side also received injury.

It has further been submitted that the said Munni Rajak was a heart and diabetic patient, aged about 70 years and the said injury could not have caused her death.

However, learned A.P.P. on the other hand submits that from the injury report, specially of Munni Rajak, it has been stated that the opinion has been reserved but later on succumbed to her injury and opposes the prayer for bail.

Since, there is a direct allegation against the petitioners resulting in death of Munni Rajak, I am not inclined to grant the privilege of anticipatory bail.

However, if the petitioners surrender before the learned Court below within a period of six weeks from today their bail

application will be considered by the Court concerned on the same day and disposed of in accordance with law.

(Nilu Agrawal, J)

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