

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9184 of 2017

Arising Out of PS.Case No. -432 Year- 2016 Thana -MANER District- PATNA

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1. Lal Mohan Rai, S/o Late Mitar Rai
2. Amar Rai @ Amarnath Rai, S/o Sarikhan Rai
3. Vijay Rai, S/o Late Mitar Rai
4. Santosh Rai, S/o Lal Mohan Rai
5. Chandra Shekher Rai, S/o Dharichhan Rai
6. Fakira Rai, S/o Darichhan Rai.

All resident of village- Haladi Chapra, Badan Tol, P.S. Maner, District-
Patna. Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Shiw Kumar Prabhakar, Advocate
For the Opposite Party : Mr. Mritunjay Kumar Nirala (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-03-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection
with Maner P.S. Case No. 432 of 2016, registered for the offences
punishable under Sections 341, 323, 504, 380, 307, 506/34 of the
Indian Penal Code.

Allegedly, the petitioners and co-accused came being
variously arms and started untie the cattles, Aklu Rai and Amar
Rai with an intention to kill the informant gave garasa blow to the
informant causing injury and when his mother tried to rescue she
was also assaulted and when father and brother tried to rescue then
they were also assaulted by garasa thereafter Santosh Rai,
Chandrashekhar Rai and Fakira Rai started assaulting with iron



rod and caused injury and further took away boxes containing cash and ornaments.

Submission is of false implication and that the injuries found are simple in nature caused by hard and blunt substance, no injury has been found caused by sharp cut weapon and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that over vital part of the body injuries have been found over scalp of the informant and further on the person of Mithilesh Kumar also injuries have been found on scalp.

In the facts and circumstances as stated above, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Maner P.S. Case No. 432 of 2016, pending in the Court of learned A.C.J.M., Danapur.

However, in case and if so advised the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered as one of co-accused Aklu Rai has already been allowed bail by the learned court below itself, without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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