

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17043 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -BAIKUNTHPUR District- GOPALGANJ

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1. Raj Kumar Ray @ Raj Kishor Ray, S/o Late Phulena Ray,
2. Kailash Ray, son of Late Phulena Ray,
3. Bilash Ray, son of Late Chintaman Ray,
4. Satendra Ray, son of Sri Kailash Ray, All resident of Village- Chandpur,
P.S.- Baikunthpur, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Yadav

For the Opposite Party/s : Mr. Sri Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

2 16-05-2017 Learned counsel for the petitioners submits that petitioner no. 1, Raj Kumar Ray @ Raj Kishor Ray, has been arrested by the police, hence he seeks permission to withdraw this application against him.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn against petitioner no. 1.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioner nos. 2, 3 and 4 apprehend their arrest in connection with Baikunthpur P.S. Case No. 23 of 2017, registered



under Sections 147, 341, 323, 324, 307, 354 and 379 of the Indian Penal Code.

The accusation is that six persons named in the F.I.R. including the petitioners armed with Garasa, Farsa and Bhujali came near Pratibha Devi, daughter-in-law of informant and cause assault at her head. On raising alarm, informant reached there then petitioner no. 1, Raj Kumar Ray having Farsa in his hand told that he had caused injury to Pratibha Devi. At that time, petitioner no. 2, Kailash Rai, snatched gold chain from the neck of Pratibha Devi whereas Braj Kishore Ray snatched ear ring from her. In the meantime, petitioner no. 4, Satendra Ray and Om Prakash caused assault to the son of the informant through lathi and danda.

Learned counsel for the petitioners submits that while petitioners are named in the F.I.R. but no specific overt act has been attributed against petitioner nos. 2, 3 and 4 as the specific allegation is against petitioner no. 1, Raj Kumar Ray @ Raj Kishor Ray to cause assault to the daughter-in-law of the informant. Moreover, the injury as found on the person of daughter-in-law and son of the informant are simple in nature. It is further submitted that occurrence took place on 01.02.2017 due to grudge enmity, in which, petitioners' side also sustained injury, regarding which, Baikunthpur P.S. Case No. 19 of 2017 is also



instituted by the petitioner no. 2 against the informant and his family members due to that reason the present case has been lodged on 05.02.2017 showing the occurrence dated 01.02.2017.

Having regard to the facts and circumstances of the case, let the above named petitioner nos. 2, 3 and 4 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Gopalganj, in connection with Baikunthpur P.S. Case No. 23 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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