

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76590 of 2018

Arising Out of PS. Case No.-411 Year-2017 Thana- MANER District- Patna

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1. Bimlesh Kumar, S/O Lal Govind Rai.
 2. Biru Kumar, S/O Lal Govind Rai.
 3. Lal Govind Rai.
 4. Shambhu Rai.
 5. Laldeo Rai, all petitioner nos. 3 to 5 are the sons of Shakaldeep Rai.
 6. Manager Rai, S/O Kuldeep Rai.
 7. Damodar Rai, S/O Late Ramagyan Rai @ Late Ramyash Rai.
 8. Jitan Rai, S/O Manager Rai, all petitioner nos. 1 to 8 are resident of Chakiya Tola Khaspur, P.S. Maner, District-Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Mukesh Kumar, Advocate.
For the Opposite Party : Mr. Kumar Virendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 448, 337, 307 and 504 of the IPC.

The prosecution story, in brief, is that on 02.07.2017 at 6.00 P.M., in the *Kirana Shop* of the informant, co-accused Bijendra Rai came and demanded some goods. On refusal, he went to his house and returned with other accused persons armed with various weapons. Petitioner no. 4 Shambhu Rai ordered to assault him and commit loot in his shop. Thereafter,



accused persons abuses and assaulted him with fists and slaps. Petitioner no. 2 Biru Rai pulled him by wrapping *Gamcha* in his neck. Petitioner no. 4 Shambhu Rai took cash Rs. 7,000/- of the informant. Co-accused Manorma Devi, petitioner no. 7 Damodar Rai, petitioner no. 8 Jitan Rai, petitioner no. 6 Manager Rai, petitioner no. 5 Laldeo Rai and petitioner no. 3 Lal Govind Rai took his various grocery items and damaged the goods of the shop valued about Rs. 30,000/-. They also made firing in the sky.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is further submitted that 2 ½ months i.e., 25.06.2017 prior to the present case, co-accused Bijendra Kumar had instituted a case against Dhananjay Rai and Pappu Rai. As per the F.I.R., the present occurrence is said to have taken place on 02.07.2017 but complaint case of the same was filed on 05.07.2017 which came to be registered as F.I.R. on 04.09.2017. Delay has not been explained by the prosecution. None is said to have been injured in course of occurrence. No offence under Section 307 of the IPC is made out.



On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Danapur, in connection with Maner P.S. Case No. 411 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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