

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1745 of 2018

Arising Out of PS. Case No.-216 Year-2017 Thana- BAKHTIYARPUR District- Patna

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1. Manjan Rai @ Manjan Kumar @ Mangal Rai, S/o Raj Balabh Rai, R/o Village- Chiraiya, P.S.- Bakhtiyarpur, District- Patna.
 2. Awdhesh Rai S/o Devi Rai, R/o Village- Chiraiya, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra
For the Opposite Party/s : Mr. SRI NAND KISHORE PD

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,148,149,452 and 302 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Rekha Devi, recorded by S.I. Ganesh Tiwari, Bakhtiyarpur Police Station, is to the effect that on 12.6.2017 at 11 A.M. the son of the informant Jai Kumar Rai wanted to construct toilet, which was objected by accused Akhilesh Rai. In the meantime, son of the informant Jai Kumar Rai started digging with the spade, then Naresh Rai, Ramji Rai, Devi Rai, Pintu Rai, Kamal Rai, Bangali Rai, Awadhesh Rai



(petitioner no.2) and Ranjit Rai came variously armed and threatened. In the meantime, petitioner no. 1 Manjan Rai came and ordered to assault. Thereafter, Pintu Rai caught hold of Jai Kumar Rai and Akhilesh Rai resorted to fire from his pistol causing injury on the head, when the son of the informant fell down and ultimately, succumbed to the injury.

It is submitted by learned counsel for the petitioners that petitioner no. 2 is only member of the mob, when petitioner no. 1 is only alleged to have ordered to assault and on his order, Pintu caught hold of the victim Jai Kumar Rai when co accused Akhilesh Rai caused fire arm injury. There is a counter version of the occurrence also, recorded on the Fardbeyan of Ashok Rai by S.I. S.N. Singh, Kankarbagh Police Station at Jagdish Memorial Hospital to the effect that on 12.6.2017 at 10.30 A.M. the cousin brother of the informant namely Yogendra Rai and his nephew Awadhesh Rai were sitting on the door, in the meantime, accused persons came variously armed when Gauri Shankar Rai ordered to kill, whereupon Ram Islok Rai assaulted with Garasa to Yogendra Rai on his head causing grievous injury when Bilat Rai assaulted with Garasa on the neck and left



hand, as a result, the finger of the hand got chopped. Gajendra Rai assaulted with Garasa to the informant Ashok Rai. Tilakdhari Rai and Anand Kumar assaulted with Garasa to Awadhesh Rai. Dukhan Rai resorted to fire indiscriminately with rifle causing injury on the head of Jai Kumar Rai, as a result he died instantaneously.

It is further submitted that statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that petitioner no. 1 is order giver though there is no specific accusation against him.

Considering the fact that the accusation of causing injury to the victim Jai Kumar Rai is against Akhilesh Rai and co-accused Pintu Rai caught hold of him, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 ACJM, Bakhtiyarpur in connection with Bakhtiyarpur P.S. Case No. 216 of 2017, subject to the



conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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