

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70865 of 2018

Arising Out of PS. Case No.-272 Year-2018 Thana- MANER District- Patna

1. Rajdeo Rai,
2. Ram Rit Rai, Both Son of Late Ram Sundar Rai,
3. Dharmendra Kumar, Son of Ram Rit Rai,
4. Ajay Rai @ Nunnu Kumar, Son of Rajdeo Rai,
5. Guddu Kumar, Son of Kamal Rai, All resident of Village- Khaspur, P.S.-
Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha
For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-12-2018 Heard learned counsels for the petitioners and the
State.

Learned counsel for the petitioners seeks permission to withdraw the present application with regard to petitioner nos. 1 and 2, namely, Rajdeo Rai and Ram Rit Rai, since there is inconsistent statement in paragraph no.3 of the petition with regard to their criminal antecedent.

Permission is accorded.

Accordingly, the present application, with regard to petitioner nos. 1 and 2, is disposed of as withdrawn.



So far as petitioner nos. 3 to 5 are concerned, they are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 337, 338, 354, 384, 504 and 506 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Jay Kumar Nirala, dated 03.06.2018, submitted to the Station House Officer, Maner Police Station, is to the effect that on 03.06.2018 at 7 PM, while the informant, along with the Panchayat Mukhiya, Priyanka Kumari, was proceeding towards Khaspur Panchayat Office, in the meantime, all the accused persons, including the petitioners, surrounded the Panchayat Mukhiya, Priyanka Kumari and started abusing her and also demanded Rs. 20,000/- as extortion, which was protested by the informant. Then all the accused persons started assaulting the informant and pulled the Dupatta of the Panchayat Mukhiya, Priyanka Kumari and also resorted to fire. It is further alleged that co-accused Sanjay Kumar inflicted a knife blow on the informant and when the family members of the informant came to rescue him, the accused persons also assaulted them.

It is submitted by learned counsel for the petitioners that in the background of a petty dispute, the accusation has been



levelled. The injuries of all the injured persons have been found to be superficial and simple in nature. However, the opinion with regard to one of the injuries of Harendra Rai and Ramayan Ray has been kept reserved, though, accusation of assaulting them has not been alleged against the petitioners. There is a counter version of the occurrence also, being Maner P.S. Case No. 274 of 2018, registered under Sections 143, 341, 323, 337 and 379 of the IPC and Section 3/4 of the Dowry Prohibition Act, 1961. A statement has been made in paragraph no.3 of the petition that though, petitioner no.3 is involved in one other case also, but in that case he is on bail, whereas petitioner nos. 4 and 5 are having no criminal antecedent.

Learned counsel for the informant files a counter affidavit, let it be kept on record. He submits that all the accused persons brutally assaulted the informant and his family members.

Considering the fact that in a free fight both the sides have received injuries, let the above named petitioner nos. 3 to 5, be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class,



Danapur, Patna in connection with Maner P.S. Case No. 272 of
2018, subject to the condition as laid down under Section 438(2)
of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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