

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41553 of 2019

Arising Out of PS. Case No.-42 Year-2007 Thana- SHEOHAR District- Sheohar

1. Bhuta Ray @ Bhutta Ray, Aged about 52 years, Male, S/o Late Sukadev Ray, Resident of village- Chamanpur, P.S. Piprahi, District- Sheohar.
2. Jainarayan Ray, Aged about 40 years, Male, S/o Bhuta Ray @ Bhutta Ray Resident of village- Chamanpur, P.S. Piprahi, District- Sheohar.
3. Nagendra Ray, Aged about 30 years, Male, S/o Bhuta Ray @ Bhutta Ray Resident of village- Chamanpur, P.S. Piprahi, District- Sheohar.
4. Harendra Ray, Aged about 28 years, Male, S/o Bhuta Ray @ Bhutta Ray Resident of village- Chamanpur, P.S. Piprahi, District- Sheohar.
5. Rekha Devi @ Rikhiya Devi, Aged about 47 years, Female, W/o Bhuta Ray @ Bhutta Ray, Resident of village Chamanpur, P.S. Piprahi, District Sheohar.
6. Rina Devi, Aged about 35 years, Female, W/o Jainarayan Ray, Resident of village- Chamanpur, P.S. Piprahi, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-07-2019 Heard both sides.

Petitioners apprehend their arrest in Sheohar P.S. Case No.42 of 2007, registered under Sections 147, 148, 149, 341, 337, 379 and 302 of the Indian Penal Code.

The informant disclosed that some verbal altercation took place for taking water from the tube well situated on the *darwaza* of the informant but wife of Jainarayan Ray, petitioner no.6 started abusing the informant and his family members. Mahendra Rai, son of the informant, tried to assure the wife of Jainarayan Ray to get the



tube well and pump repaired but all the accused persons, namely, Bhutta Ray, Jainarayan Ray, Harendra Ray, Rikhiya Devi and Rina Devi indiscriminately assaulted Ram Jinis Rai with lathi and other weapons. When the informant Rajinandan Rai and his son Mahendra Rai went to save, the accused persons also assaulted them and broke their hands. Ramjinis Rai died during the course of treatment.

Learned counsel for the petitioners submits that there is omnibus and general allegation of assault against the petitioners. Petitioners no.5 and 6 are ladies. The informant is own brother of petitioner no.1, Bhutta Ray and petitioners no.2 to 5 are sons, wife and daughter-in-law of petitioner no.1 but it appears that the informant made allegation that the petitioners indiscriminately assaulted Ramjinis Rai, one of the son of the informant and when Mahendra Rai and the informant went to save, the accused persons indiscriminately assaulted them also. Ramjinis Rai succumbed to the injuries during the course of treatment.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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