

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48025 of 2019

Arising Out of PS. Case No.-202 Year-2019 Thana- MANER District- Patna

1. Randhir Kumar @ Randhir Rai Son of Ramudar Rai Resident of Maner, P.S.-Maner, District-Patna.
2. Mithilesh Kumar Son of Bhagwan Rai Resident of Maner, P.S.-Maner, District-Patna.
3. Sialesh Kumar @ Kallu Rai @ Sahailesh Kumar @ Kallu Kumar Son of Late Satya Narayan Rai Resident of Maner, P.S.-Maner, District-Patna.
4. Pintu Kumar @ Pintu Rai Son of Ramavtar Rai Resident of Maner, P.S.-Maner, District-Patna.
5. Ramavtar Rai Son of Late Jatan Rai Resident of Maner, P.S.-Maner, District-Patna.
6. Nirupandar Rai @ Nipendra Rai Son of Shri Nirmal Rai Resident of Maner, P.S.-Maner, District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr. J.N, Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354, 427, 429, 504, 506 and 435 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Bablu Rai submitted to the Station House Officer of Maner



Police Station is to the effect that on 20.04.2019 at 6.00 A.M. the informant was at his door, in the meantime, 27 FIR named accused persons including the petitioners came variously armed, whereupon petitioner no. 6, Nipendra Rai exhorted other accused persons to kill the informant and resorted to fire. Co-accused Anta @ Akhilsh Rai assaulted with sword on the neck of the informant and petitioner no. 5, Ramavtar Rai and co-accused Binod Rai assaulted with lathi to the informant and other family members of the informant and also outraged the modesty of the female family members of the informant. It is also alleged that the accused persons set the house and motorcycle of the informant on fire in which the she calf of the informant sustained burn injury.

It is submitted by learned counsel for the petitioners that, in fact, the informant's side killed one person of the petitioners' side namely, Ramun Kumar, leading to registration of Maner P.S. Case No. 200 of 2019 with accusation under Sections 147, 149, 149, 341, 323, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act. The said FIR was registered on 20.04.2019 at 12.35 P.M. whereas the present FIR has been registered on the same day at 5.00 P.M. in order to save the skin from the case lodged by the petitioners' side. A



statement has been made in paragraph 3 of the petition that the petitioner nos. 1, 2 and 3 are not having any criminal antecedent, petitioner nos. 4 and 5 is an accused in another case and petitioner no. 6 is accused in two other cases, in which they are on bail.

Learned APP submits that there is specific accusation of assault against the petitioners.

Considering the fact that one person was killed from the petitioners' side for which, a case was lodged by the petitioners' side at earlier point of time, let the above named petitioners be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Danapur in connection with Maner P.S. Case No. 202 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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