

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63789 of 2019

Arising Out of PS. Case No.-287 Year-2018 Thana- MANER District- Patna

1. SANGITA KUMARI Daughter of Baikunth Rai Resident of Village- Sherpur, P.S.- Maner, District- Patna.
2. Rinku Kumari @ Rinki Kumari Daughter of Gorakh Rai Resident of Village- Sherpur, P.S.- Maner, District- Patna.
3. Kamlesh Kumar Son of Pulice Rai Resident of Village- Sherpur, P.S.- Maner, District- Patna.
4. Dhuru Devi Wife of Baikunth Rai Resident of Village- Sherpur, P.S.- Maner, District- Patna.
5. Tuntun Rai @ Tuntun Kumar Son of Baikunth Rai Resident of Village- Sherpur, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 14-11-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Maner P.S. Case No.287 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

The accusation is that petitioner no.4 and Chinta Devi were selling the liquor in the polythene in the hut, situated adjacent to the house of the informant. When the informant



went there to get the drainage cleaned, then he found the drain blocked and the water was flowing out from the drain and due to that reason, he forbade them not to throw the polythene of liquor in the drain. Thereafter, 12 persons, named in the F.I.R., including the petitioners along with 8-10 unknown came there and attacked at them in which Sundari Devi, mother of the informant, Manju Devi and Sunita Devi were assaulted by the petitioner no.4 and Chinta Devi through 'Garasi' and 'Dab', due to which Sunita Devi became unconscious. At that time, Rinku Kumari (petitioner no.2) and Sangita Kumari (petitioner no.1) snatched the gold chain from the neck of Manju Devi and Sunita Devi. At that time, Baikunth Rai along with his sons caused assault at the head of the informant Upendra Narain, Brajendra Narain and Yadvendra Narain through 'Farsa', 'Gadasa', 'Dab' and iron rod. Gorakh Rai caused injury at the head of the informant through the butt of the revolver, whereas Tuntun Rai (petitioner no.5) caused injury at the head of Brajendra Narain through 'Dab' and Pankaj Rai caused injury through iron rod at the head of Yadvendra.

Learned counsel for the petitioners submits that due to dispute of cleaning of the water, flowing out of the drain, the occurrence of "Maar-Peet" took place between the parties in



which the petitioners' side also sustained injuries regarding which on the basis of the fardbeayn of the co-accused Baikunth Rai, Maner P.S. Case No.288 of 2018 was also instituted against the prosecution party. Moreover, the injuries of the informant and the other injured are simple in nature. Further submission is that the petitioner nos.1 to 3 have no criminal antecedents, whereas the petitioner nos.4 and 5 are accused in one more case, as detailed in paragraph-3 to this application, in which they are on bail.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Miss. Nutan Kumari, Judicial Magistrate, First Class, Danapur, Patna, in connection with Maner P.S. Case No.287 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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