

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74076 of 2018

Arising Out of PS. Case No.-43 Year-2018 Thana- MALSALAMI District- Patna

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Niranjan Kumar @ Putul Rai Son of Jai Babu Rai, Resident of Mohalla-Sheela Road, Kaima Shiko, P.S.- Chowk, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

11 04-07-2019 Heard the parties.

The petitioner apprehends his arrest in connection with Malsalami P.S. Case No.43 of 2018 registered under Sections 341, 307 and 386/34 and, later on, added Section 302 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that on 06.02.2018 at about 02.30 P.M., Mukesh Kumar, the son of the informant Sanjeevan Rai, along with his cousin Santosh Kumar alias Golu moved from the house for going to another house situated at Sukumarpur Diara. After a short interval, Santosh Kumar alias Golu made call on the mobile of Jitendra Kumar, the nephew of the informant, to the effect that Uday Rai, Jai Babu Rai, Janak Rai, Ranjan Rai, Putul Rai, Rakesh Rai and Karan Rai having



surrounded shot fire at Mukesh Kumar near India Brick Kiln. Thereafter, the informant along with his family members reached near the brick kiln, where the police was present. The police informed that Mukesh Kumar has been rushed for treatment to P.M.C.H., Patna. After that, the informant along with his family members reached at the Emergency Ward of P.M.C.H., where he saw his son Mukesh Kumar in injured condition in I.C.U. Santosh Kumar alias Golu informed that Uday Kumar surrounded the motorcycle of Mukesh Kumar after overtaking the same at the India Brick Kiln, where Jai Babu Rai and Janak Rai, both sons of Late Hir Rai ordered to kill on which Ranjan Rai, Putul Rai, both sons of Jai Babu Rai, Rakesh Rai and Karan Kumar made indiscriminate firing through pistol at Mukesh Kumar. Thereafter, Mukesh Kumar after sustaining firearm injury fell down on the ground. The cause of occurrence is that, earlier, the aforesaid persons had demanded ransom from Mukesh Kumar regarding which a proceeding under Section 107 Cr.P.C. is going on.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the parentage of Putul Rai has been shown as Jai Babu Rai while Putul Rai is the son of Shyambabu Rai and due to wrong description of parentage of



Putul Rai in the F.I.R., the petitioner, who is the son of Jai Babu Rai, is being harassed in the present case.

It appears from paragraphs-3 and 4 the affidavit filed on behalf of the State on 20.06.2019 and paragraph 2 of the supplementary affidavit filed on behalf of the State on 01.07.2019 that Ranjan Rai and Niranjana Kumar (petitioner) are the sons of Jai Babu Rai but by mistake, in the F.I.R., the parentage of Putul Rai, who is the son of Shyambabu Rai, the brother of Jaibabu Rai, has been shown as Jai Babu Rai.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IV at Patna City, Patna, in connection with Malsalami P.S. Case No.43 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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