

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75916 of 2018

Arising Out of PS. Case No.-124 Year-2018 Thana- DIDARGANJ District- Patna

1. Raju Rai Son of Ram Vevek Rai.
2. Ashok Rai @ Chokha Rai.
3. Dhananjai Rai.
Both are son of Laldeo Rai.
4. Shrawan Rai @ Langra alias Sarman Rai alias Langra, Son of Ajab Rai.
All Resident of Village-Check Post Didarganj, P.S. Didarganj, Distt.-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sing, Advocate.
For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 29-04-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Didarganj P.S. Case No.124 of 2018 registered under Sections 147, 149, 341, 323, 325, 307, 337, 379, 427 and 504 of the Indian Penal Code.

The accusation is that on 22.07.2018 at about 08.00 P.M. when the informant Dablu Rai was present at Check Post, his brother Bablu Rai was running his grocery shop situated there. At that time, Dhananjai Rai (petitioner no.3), Ashok Rai alias Chokha Rai (petitioner no.2) and Lallan Rai came at the



grocery shop of his brother Bablu Rai and made demand of one packet of cigarette and one bottle of cold water, then Bablu Rai, asked them that he will give the same when they will pay the price of the same, then Dhananjai Rai (petitioner no.3) and Lallan Rai asked his brother that he will pay the money later on. Thereafter, Dhananjai (petitioner no.3), Lallan and Ashok Rai alias Chokha Rai (petitioner no.2) started to abuse to Bablu Rai, the brother of the informant, and when he made protest, Dhananjai Rai (petitioner no.3) and Lallan Rai dashed him on the ground and Dhananjai Rai (petitioner no.3), Ashok Rai alias Chokha Rai (petitioner no.2) and Lallan Rai caused injury at his head through iron rod and bricks. At that time, Dhananjai Rai (petitioner no.3) snatched the gold chain from the neck of Bablu Rai, the brother of the informant. On hulla being raised by the informant, when Sakaldeep Rai, the cousin brother of the informant, rushed to save then Dhananjai Rai (petitioner no.3), Lallan and Ashok alias Chokha Rai (petitioner no.2) called their family members to commit "Maar-Peet" and, thereafter, Laldeo Rai, Arvind Rai, Mukhiya Rai, Namondar Rai, Amarnath Rai, Visar Rai, Ram Vivek Rai, Raju Rai (petitioner no.1) and Shrawan Rai alias Langra (petitioner no.4) along with 8-10 armed with lathi, danda, iron rod, piece of bamboo and bricks



surrounded them and on the order of Laldeo Rai, Dhananjai Rai (petitioner no.3), Lallan Rai, Shrwan Rai (petitioner no.4) and Raju Rai (petitioner no.1) caused injury to the informant and his cousin brother at their leg and head. In that course, the truck of Pradeep Rai, the brother of the Sakaldeep Rai, was also damaged by them.

Learned counsel appearing on behalf of the petitioners submits that, in fact, due to petty dispute, the occurrence of “Maar-Peet” took place between the parties in which the petitioners’ side also sustained injury regarding which on the basis of the written report of Lallan Rai, Didarganj P.S. Case No.125 of 2018 was instituted under Sections 147, 149, 341, 323, 337, 307 and 504 of the Indian Penal Code against the informant of the present case and others. Moreover, no any fracture injury was found on the person of the informant and his brother Bablu Rai, which would appear from the report as issued by the P.M.C.H. on 01.11.2018 (attached with the case diary).

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 the Additional Chief Judicial Magistrate-V, Patnacity, Patna, in connection with Didarganj P.S. Case No.124 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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