

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85799 of 2019**

Arising Out of PS. Case No.-310 Year-2019 Thana- MINAPUR District- Muzaffarpur

1. Ranjeet Rai Son of Asharfi Rai Resident of Village - Raghapur, P.S.- Minapur, Distt - Muzaffarpur.
2. Vijay Rai Son of Asharfi Rai Resident of Village - Raghapur, P.S.- Minapur, Distt - Muzaffarpur.
3. Asharfi Rai Son of Late Ram Nandan Rai Resident of Village - Raghapur, P.S.- Minapur, Distt - Muzaffarpur.
4. Sanjay Rai Son of Asharfi Rai Resident of Village - Raghapur, P.S.- Minapur, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                               |
|----------------------------|---|-------------------------------|
| For the Petitioner/s       | : | Mr/ Jagdish Prasad, Advocate  |
|                            |   | Mr.Ram Naresh Singh, Advocate |
| For the Opposite Party/s : |   | Mr.Nityanand, APP             |

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      19-03-2020                      Heard learned counsel for the petitioners, learned  
APP for the State and learned counsel for the informant.

The petitioners are languishing in custody since 29.08.2019 in a case registered for the offences punishable under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code. Subsequently, Section 302 IPC was also added vide order dated 08.07.2019.

The prosecution case as per the written report of Ajit Kumar submitted to the Station House Officer, Minapur Police



Station is to the effect that on 12.06.2019 at 1.00 P.M., Vijay Rai, petitioner no. 2 entered into the house of the informant and tried to outrage the modesty of the sister-in-law of the informant. When on 13.06.2019 Akhilesh Rai went to complain to Vijay Rai about the incident when all the 14 accused persons variously armed surrounded and then, Ranjeet Rai, petitioner no. 1 assaulted with a sword on the head of Akhilesh Rai causing grievous injury and when Rampratap Rai came to rescue Akhilesh Rai he he was also assaulted by the accused. It is further alleged that when informant, Rima Devi, Sujit Kumar and Raju Kumar came to rescue Akhilesh Rai, then they were also assaulted. It is specifically alleged that Sanjay Rai, petitioner no. 4 assaulted with an iron rod causing injury on the neck of the informant and Rima Devi was assaulted by petitioner no. 2 Vijay Rai with lathi and danda, when Urmila Devi came to rescue, she was also being assaulted. The father of the informant was assaulted by co-accused Dinesh Rai with iron rod. It is further alleged that accused persons snatched jewellery, took away Rs.60,000/- kept in a box and also took away grains worth Rs.1,50,000/-.

It is submitted by learned counsel for the petitioners that in the background of litigating relationship, the accusation



has been levelled against the petitioner and at earlier point of time petitioners' side lodged Minapur P.S. Case No. 309 of 2019 with accusation under Sections 341, 323 and 308/34 of the Indian Penal Code against the informant's side. It is further submitted that the specific accusation of making assault by petitioner no. 1 Sanjay Rai with sword on the head of Akhilesh Rai is not being corroborated by medical opinion as the doctor found the injury caused by hard and blunt substance. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP after going through the case diary as well as learned counsel for the informant submit that the informant in his subsequent statement has stated that Vijay Rai assaulted with sword when the petitioner Vijay Rai assaulted with iron rod.

Considering the fact that the informant has changed the version with regard to nature of assault between the written report and the subsequent statement, the fact that the accusation levelled in the FIR has not been corroborated substantially with the medical opinion and investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal



antecedent, let the above named petitioners be released on bail,  
on furnishing bail bond of Rs.10,000/- (Ten thousand) each with  
two sureties of the like amount each to the satisfaction of  
learned Chief Judicial Magistrate, Muzaffarpur in connection  
with Minapur P.S. Case No. 310 of 2019.

**(Dinesh Kumar Singh, J)**

DKS/-

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