

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12473 of 2021

Arising Out of PS. Case No.-436 Year-2020 Thana- GARKHA District- Saran

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1. RAJU KUMAR RAI @ RAJU RAI SON OF LATE NABAB RAI R/O VILLAGE-ISMAILPUR, POLICE STATION-GARKHA, DISTRICT-SARAN AT CHAPRA.
 2. HARESH KUMAR S/O BIRENDRA RAI R/O VILLAGE-ISMAILPUR, POLICE STATION-GARKHA, DISTRICT-SARAN AT CHAPRA.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Satya Prakash, Advocate.
For the State	:	Mr. Akhileshwar Dayal, A.P.P.
For the Informant	:	Mr. Rananjay Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 11.02.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Raju Kumar Rai alias Raju Rai, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Raju Kumar Rai alias Raju Rai, for granting him the privilege of pre-arrest bail has



become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Raju Kumar Rai alias Raju Rai.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Raju Kumar Rai alias Raju Rai, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Haresh Kumar, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, namely, Haresh Kumar, and the learned A.P.P. for the State as also the learned counsel for the informant, through Video Conferencing.

The petitioner no.2, namely, Haresh Kumar, apprehends his arrest in connection with Garkha P.S. Case No.436 of 2020 registered under Sections 147, 148, 149, 323, 324, 379, 504 and 506 of the Indian Penal Code, pending in the court of Sri Chandra Bose Kumar Singh, Judicial Magistrate, First Class, Saran at Chapra.

The accusation is that 11 persons, named in the F.I.R., including the petitioner no.2, namely, Haresh Kumar, variously armed with weapons caught hold of Umesh Rai. At that time,



Raju Rai caused blood oozing injury at the head of Umesh Rai through 'Khanti', due to which he fell down. Thereafter, Vikram Rai caused injury to Umesh Rai through lathi, due to which he became unconscious. On the alarm being raised by the informant, when Rajnath Rai, the nephew of the informant Naresh Rai, rushed there, then Haresh Rai (petitioner no.2), caused blood oozing injury at his head through 'Daab', due to which he fell down. At that time, Kundan Kumar was assaulted by Surendra Rai through iron rod causing blood oozing injury at his head.

Learned counsel for the petitioner no.2, namely, Haresh Kumar, submits that, in fact, due to some dispute, the occurrence of "Maar-Peet" took place between the parties, in which the side of the petitioner no.2, namely, Haresh Kumar, also sustained injury regarding which on the basis of the fardbeyan of Manisha Kumari, the daughter of the co-accused Surendra Rai, Garkha P.S. Case No.482 of 2020, was also instituted against the informant of the present case and others.

From the impugned order, it appears that the injury, as found on the person of Rajnath Rai, which is said to be caused by the petitioner no.2, namely, Haresh Kumar, is grievous in nature.



Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner no.2, namely, Haresh Kumar, I am not inclined to grant the privilege of pre-arrest bail to the petitioner no.2, namely, Haresh Kumar. Accordingly, the prayer of the petitioner no.2, namely, Haresh Kumar, for grant of privilege of pre-arrest bail stands rejected. However, the petitioner no.2, namely, Haresh Kumar, is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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