

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28017 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- MUSAHARI District- Muzaffarpur

1. Ravindra Rai S/o Rameshwar Rai Resident of Village-Bedauliya, P.S.-Mushahari, District-Muzaffarpur.
2. Ashok Kumar S/o Ravindra Kumar Resident of Village-Bedauliya, P.S.-Mushahari, District-Muzaffarpur.
3. Rajesh Kumar S/o Ravindra Kumar Resident of Village-Bedauliya, P.S.-Mushahari, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate.
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 12-02-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode.

Learned counsel for the petitioners submits that petitioner no.3, namely, Rajesh Kumar, has been arrested by the police, so he seeks permission to withdraw this application.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner no.3.

Heard learned counsel for the petitioner nos. 1 and



2, namely, Ravindra Rai and Ashok Kumar and the learned A.P.P. for the State.

The petitioner nos. 1 and 2 apprehend their arrest in connection with Mushahari P.S. Case No. 31 of 2020, registered under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code, pending in the court of Additional Chief Judicial Magistrate-VI, Muzaffarpur.

The accusation is that in the morning of 12.02.2020, petitioners along with two others named in the FIR and two unknown having lathi, iron rod and rifle in their hands came at the door of the informant, Abhishekh Kumar and Ravindra Rai (petitioner no.1) started to abuse and ordered to kill. Thereafter, all entered in the house and started to cause assault through lathi and iron rod to his mother, Shipari Devi, and also snatched her gold chain. On hearing Hullah, his brother, Bikash Kumar, rushed to save his mother then he was also assaulted and they snatched his gold chain. Thereafter, petitioners started to cause assault to him through iron rod and lathi, in which, he sustained injury and become unconscious. When the informant regain consciousness he found himself in Rajendra Surgical Ward at PMCH, Patna.

Learned counsel for the petitioner nos. 1 and 2



submits that petitioners and the informant are *Patidar* and only hot talk exchanged in between them due to land dispute, regarding which, Mushahari P.S. Case No. 47 of 2020 is also instituted on 11.03.2020 by Chandrakala Dev, wife of petitioner no.1 against the informant of the present case and others.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner petitioner nos. 1 and 2, namely, Ravindra Rai and Ashok Kumar, I am not inclined to grant anticipatory bail to them. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioner nos. 1 and 2 are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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