

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35556 of 2020

Arising Out of PS. Case No.-122 Year-2020 Thana- KATRA District- Muzaffarpur

1. Birendra Rai (Male) aged about 35 years, s/o Suresh Rai,
2. Manjay Rai @ Manonj Rai @ Monoj Rai (Male) aged about 34 years, s/o Ram Babu Rai,
3. Suresh Rai (Male) aged about 60 years, s/o Late Laxman Rai,
All resident of village- Singhwari.
4. Chandan Rai (Male), aged about 28 years, s/o Dinesh Rai, resident of
village- Chainpur,
All of P.S.- Katra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Shekhar Anand, Advocate
For the State	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Chandra Shekhar Anand, learned counsel for the petitioners and Mr. Sanjay Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Katra PS Case No. 122 of 2020 dated 31.05.2020, instituted under Sections 341, 323, 324, 307, 354-B, 325, 504/34 of the Indian Penal Code.

4. The allegation against the petitioners and other co-



accused is of assault by iron rod, *lathi*, and *danda* due to which the informant suffered injury on the head from which there was bleeding and when he fell down, all the accused assaulted him. It is further alleged that there was fracture of leg also.

5. Learned counsel for the petitioners submitted that the main grievance of the informant is against Ravindra Rai @ Bheema Rai, who is said to have tried to outrage the modesty of the informant's wife about a month prior to the present incident and when the informant reached there, he was assaulted by fists and slaps and made to go away and later, on 24.04.2020, the present incident is said to have taken place. Learned counsel submitted that because they are related to the said accused, they have also been falsely implicated. Learned counsel submitted that the allegation is general and omnibus and though there are wounds on the body, but it cannot be attributed to the petitioners as it has been said to be caused by hard and blunt substance which indicates that the injuries may have been sustained due to some other reason. It was submitted that the petitioners have no criminal antecedent.

6. Learned APP, from the case diary, submitted that injury report shows lacerated wound on the occipital region of the scalp and abrasion on the right shoulder and complain of not



being able to move the left upper limb and left lower limb. It was submitted that in the X-ray, fracture has been found of the left upper limb also. Thus, learned APP submitted that the allegation of general assault is corroborated by the numerous wounds on the upper part of the body and it is very natural that when there is attack, more than one injury would be there and, at this stage, it is neither required nor possible to identify each and every person and allege specific injury towards him. It was submitted that even otherwise, the nature of allegation is corroborated by the injury report.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

8. Accordingly, the petition stands dismissed.

9. Interim protection granted to the petitioners under order dated 22.06.2021 stands vacated.

(Ahsanuddin Amanullah, J)

J. Alam/-

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