

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.667 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- RAJEPUR District- East Champaran

1. NANDLAL RAI SON OF LATE DHARIKSHAN RAI RESIDENT OF VILLAGE-CHAKKI BHURKURWA (CHAKIA BHURKUDWAN), P.S-RAJEPUR,DISTRICT-EAST CHAMPARAN
2. SHANKAR RAI SON OF DAROGA RAI @ DAROGA RAY RESIDENT OF VILLAGE-CHAKKI BHURKURWA (CHAKIA BHURKUDWAN),P.S-RAJEPUR,DISTRICT-EAST CHAMPARAN
3. AJAY RAI SON OF RAMCHANDRA RAI RESIDENT OF VILLAGE-CHAKKI BHURKURWA (CHAKIA BHURKUDWAN),P.S-RAJEPUR, DISTRICT-EAST CHAMPARAN

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. SHANKAR RAI DAROGA RAI.DAROGA RAY CHAKKI BHURKURWA
3. AJAY RAI RAMCHANDRA RAI CHAKKI BHURKURWA

... .. Opposite Parties

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-08-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 01.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in



connection with Rajepur P.S. Case no. 41 of 2020, registered under Sections 341, 323, 324, 379, 307 and 504/34 of the Indian Penal Code.

The accusation is that on 21.04.2020, Ajay Rai (Petitioner No.3) was cutting bamboo from bamboo clamp of informant Ramekwal Rai then informant made protest on which Ajay Rai (Petitioner No.3) started to abuse and also gave threatening to him. Thereafter, informant Ramekwal Rai returned to his house, after a short interval, petitioners and one Daroga Rai, having armed with Lathi, Stick, Dab etc. came at the door of informant and, again, started to abuse. When informant made protest then Ajay Rai (Petitioner No.3) gave Dab blow at his forehead causing grievous injury to him. When Sanjeet Kumar, Ranjeet and Fuleshwari Devi, nephew, son and wife of informant, rushed to save him then Kishore Rai, Rabindra Rai, Reena Devi, Siya Sundari Devi, Runna Devi and Sita Devi came there and started to abuse and caused assault. At that time, Shankar Rai (Petitioner No.2) snatched gold chain from the neck of daughter-in-law of informant.

Learned counsel for the petitioners submits that due to dispute of bamboo clamp, the occurrence of Marpit took place in which petitioners' side also sustained injury



regarding which Rajepur P.S. Case No. 42 of 2020 was also instituted. Further submission is that, except injury No.1, all injuries found on the person of informant are simple in nature. The injury No.1 i.e. sharp cut 2”X1/4”X1/4” on left parietal bone is grievous in nature, which is attributed against petitioner no.3 Ajay Rai.

Having regard to the facts and circumstances of the case, let the petitioner Nos. 1 and 2, namely, Nandlal Rai & Shankar Rai be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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, Motihari, East Champaran in connection with Rajepur P.S. Case No. 41 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as pre-arrest bail of petitioner No.3, namely, Ajay Rai is concerned, having considered the facts and circumstances of the case and the nature of allegation against the petitioner No.3, namely, Ajay Rai, I am not inclined to grant pre-arrest bail to him. Accordingly, his prayer for grant of pre-arrest bail stands **rejected**. The petitioner No.3 Ajay Rai



is directed to surrender before the trial Court within four weeks 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.

(Rajendra Kumar Mishra, J)

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