

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.116 of 2021

Arising Out of PS. Case No.-200 Year-2020 Thana- BANIAPUR District- Saran

-
1. SONU KUMAR, Son of Gopichand Rai Resident of Village - Karah, P.S.- Baniyapur, Distt.- Saran (Chapra).
 2. Dhanu Kumar @ Dhanui Kumar Rai, Son of Gopichand Rai Resident of Village - Karah, P.S.- Baniyapur, Distt.- Saran (Chapra).
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-08-2021 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 31.12.2020, 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 Baniyapur P.S. Case no. 200 of 2020, registered under Sections 341, 447, 504, 324, 325, 354(B) and 379/34 of the Indian Penal Code.

The accusation is that on 22.06.2020, informant Rupchandra Rai was present at his door along with his son Sandip Rai, at that time, seven persons named in the F.I.R., including the petitioners, having armed with Lathi, Bhala, Axe, Farsa and brick, came at his door and started to abuse. When



informant made protest then on the order of Gopichandra Rai, Sonu Kumar (Petitioner No.1) gave Farsa blow at his head causing blood oozing injury, he, again, caused fracture injury at his left hand through Farsa. In the meantime, Dhanu Kumar (petitioner No.2) gave axe blow at the hand of his son Sandip Rai causing blood oozing injury, when Sandip Rai, son of informant, started fleeing towards his house then both chased him and entered in the house, where they caused assault to his daughter-in-law Subhawati Devi. At that time, Gopichandra Rai torn blouse of Subhawati Devi and Shanti Devi snatched gold chain from her neck.

Learned counsel for the petitioners submits that the occurrence of Marpit took place due to some dispute in which petitioners' side also sustained injuries regarding which Baniyapur P.S. Case No. 213 of 2020 was instituted on 11.07.2020 for the offence under Sections 341, 504, 323, 324 and 379/34 of the Indian Penal Code on the basis of fardbeyan of co-accused Shanti Devi, mother of petitioners. Further submission is that the injuries as found on the person of son of informant is of simple in nature, which is attributed against petitioner No.2, whereas the injuries as found on the person of informant is grievous in nature, which is attributed against petitioner No.1.



Having regard to the facts and circumstances of the case, let the petitioner No.2, namely, Dhanu Kumar @ Dhanu Kumar Rai be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra, District-Saran in connection with Baniyapur P.S. Case No. 200 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far far as Sonu Kumar (Petitioner No.1) is concerned, having considered the facts and circumstances of the case and the nature of allegation against him, I am not inclined to grant pre-arrest bail to the petitioner No.1 Sonu Kumar. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner No.1 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)

manish/-

U		T	
---	--	---	--

