

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41051 of 2020

Arising Out of PS. Case No.-251 Year-2020 Thana- DARIYAPUR District- Saran

1. LALAN RAI S/o Late Sheopath Rai Resident of Village- Sarai Saho, P.S.- Dariapur, Distt- Saran at Chapra.
2. Ram Ayodhya Rai @ Pankaj Kumar @ Ram Ayodhya Prasad Pankaj S/o- Lalan Rai Resident of Village- Sarai Saho, P.S.- Dariapur, Distt- Saran at Chapra.
3. Govinda Kumar @ Mithun Kumar @ Govind Kumar S/o Lalan Rai Resident of Village- Sarai Saho, P.S.- Dariapur, Distt- Saran at Chapra.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Nawal Kishore Singh, Advocate.
For the State	:	Mr. Satyendra Prasad, A.P.P.
For the Informant	:	Mr. Shyameshwar Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-08-2021 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 30.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant, through Video Conferencing.

The petitioners apprehend their arrest in connection with Dariapur P.S. Case No.251 of 2020 registered under



Sections 341, 323, 379, 307, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 27.07.2020 at about 03.00 P.M., the petitioners along with Suman Devi, wife of Lalan Rai (petitioner no.1), Indu Devi, wife of Pankaj Kumar alias Ram Ayodhya Rai (petitioner no.2) and 3 unknown having lathi, danda and rod in their hands came near the shop of the informant Harendra Rai and attacked at the informant. At that time, Lalan Rai (petitioner no.1) asked to kill the informant, then Pankaj Kumar alias Ram Ayodhya Rai (petitioner no.2) gave the iron rod blow at the head of the informant causing blood oozing injury on his head, due to which the informant fell down. When Krishna Devi, Raju Kumar and Baby Devi, the wife, son and the pregnant daughter-in-law of the informant respectively, rushed to save the informant, then they were also assaulted. In course of occurrence of “Maar-Peet”, Mithun Kumar alias Govinda Kumar (petitioner no.3), snatched the gold chain from the neck and cash Rs.10,000/- from the pocket of the informant. The cause of occurrence is said to be land dispute.

Learned counsel for the petitioners submits that, in fact, due to land dispute, the occurrence of “Maar-Peet” took place between the parties in which the petitioners’ side also



sustained injury regarding which Dariyapur P.S. Case No.252 of 2020 was also instituted. Furthermore, the injuries, as found on the persons of the informant and his daughter-in-law, are simple in nature, whereas one injury, which is swelling and redness on the wrist joint, was found on Raju Kumar, the son of the informant, the opinion regarding the nature of the said injury was kept reserved and which was, later on, found fracture at shaft radius, grievous in nature. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra, in connection with Dariapur P.S. Case No.251 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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

