

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13872 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- MANER District- Patna

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1. Shyam Nandan Ray @ Shyam Nand Ray, (Male), aged about 71 years, Son of Late Surat Ray, Resident of Village- Chhitnawa, P.S.- Maner, District- Patna.
 2. Ram Kumar @ Ram Kumar Ray @ Nirmal Rai, (Male), aged about 40 years, Son of Shyam Nandan Ray @ Shyam Nand Ray, Resident of Village- Chhitnawa, P.S.- Maner, District- Patna.
 3. Shree Mala @ Mala Ray, (Male), aged about 38 years, Son of Shyam Nandan Ray @ Shyam Nand Ray, Resident of Village- Chhitnawa, P.S.- Maner, District- Patna.
 4. Dipu Kumar, (Male), aged about 18 years, Son of Shree Mala @ Shree Mala Ray, Resident of Village- Chhitnawa, P.S.- Maner, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Upendra Kumar Singh, Advocate
For the Opposite Party	:	Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Learned counsel for the petitioners seeks permission



to withdraw the present anticipatory bail application filed on behalf of the petitioner no. 2, namely, Ram Kumar @ Ram Kumar Ray @ Nirmal Rai and petitioner no. 3, namely, Shree Mala @ Mala Ray, as they have been taken into judicial custody in connection with Maner P.S. Case No. 50/2020, pending in the court of learned J.M. Ist Class, Danapur.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no.2, namely, Ram Kumar @ Ram Kumar Ray @ Nirmal Rai and petitioner no. 3, namely, Shree Mala @ Mala Ray, is dismissed as withdrawn.

Now, the petitioner nos. 1 and 4 are apprehending their arrest in connection with Maner P.S. Case No. 50/2020 for the offence registered under Sections 147, 148, 149, 323, 307, 504 and 379 of the I.P.C.

The prosecution story, in brief, is that on 01.02.2020 at about 9.00 A.M., all accused persons including the petitioner nos. 1 and 4, assaulted the informant and his nephew Ajit Kumar. The informant was assaulted by the back side of *Garasa* made of *Iron rod* and the informant's another nephew, namely, Ravindra Raj, has received head injury.

It has been submitted by learned counsel for the



petitioner nos. 1 and 4 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. General and omnibus allegation has been made against them. No specific overt act is alleged against them. There is civil dispute also pending between the parties. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner nos. 1 and 4 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 1 and 4 above named, (except petitioner no. 2, namely, Ram Kumar @ Ram Kumar Ray @ Nirmal Rai and petitioner no. 3, namely, Shree Mala @ Mala Ray) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Danapur, in connection with Maner P.S. Case No. 50/2020,



subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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