

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59109 of 2021

Arising Out of PS. Case No.-333 Year-2020 Thana- MANIYARI District- Muzaffarpur

1. Dharmendra Kumar, aged about 40 years, Male, S/o- Late Chanardeep Ray, Resident of Village - Chhitrauli, P.S. - Maniyari, Distt - Muzaffarpur.
2. Mukesh Kumar, aged about 32 years, Male, S/o- Late Chanardeep Ray, Resident of Village - Chhitrauli, P.S. - Maniyari, Distt - Muzaffarpur.
3. Ram Jatan Ray @ Ram Yatan Ray, aged about 52 years, Male, Son of Late Ram Nandan Ray, Resident of Village - Chhitrauli, P.S. - Maniyari, Distt - Muzaffarpur.
4. Nagina Ray, aged about 60 years, Male, S/o- Late Ajablal Ray, Resident of Village - Chhitrauli, P.S. - Maniyari, Distt - Muzaffarpur.
5. Lal Babu Ray, aged about 48 years, Male, Son of Late Ajabalal Ray, Resident of Village - Chhitrauli, P.S. - Maniyari, Distt - Muzaffarpur.
6. Arun Ray, aged about 42 years, Male, S/O- Late Ajablal Ray, Resident of Village - Chhitrauli, P.S. - Maniyari, Distt - Muzaffarpur.
7. Bipul Kumar, aged about 19 years, Male, S/o- Lal Babu Ray, Resident of Village - Chhitrauli, P.S. - Maniyari, Distt - Muzaffarpur.
8. Chandradeo Ray @ Chanardeo Ray, aged about 60 years, Male, Son of Late Narsingh Ray Resident of Village - Chhitrauli, P.S. - Maniyari, Distt - Muzaffarpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Arun Kumar, Advocate
For the Opposite Party	:	Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioners and learned counsel for the State through Virtual mode.

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 petitioner no. 4, namely, Nagina Ray and petitioner no. 6, namely, Arun Ray, as they have been taken into judicial custody in connection with Maniyari P.S. Case No. 333/2020, pending in the court of learned J.M. Ist Class, Muzaffarpur.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 4, namely, Nagina Ray and petitioner no. 6, Arun Ray, is dismissed as withdrawn.

Now, the petitioner nos. 1, 2, 3, 5, 7 and 8 are apprehending their arrest in connection with Maniyari P.S. Case No. 333/2020 for the offence registered under Sections 147, 148, 149, 341, 342, 323, 325, 379, 307 and 504 of the I.P.C.

The prosecution story, in brief, is that on the alleged date and time of occurrence, F.I.R. named accused persons started digging out the road leading to the house of the informant and when opposed by him, Dharmendra Kumar (petitioner no. 1) ordered others to kill him, upon which, Ram Jatan Rai (petitioner no. 3) with intent to kill, inflicted *Farsa* blow on his head which resulted in bleeding injury. After regaining his consciousness, he found himself in a hospital, His



uncle, Ram Shobhit Rai disclosed him that all the accused persons by entering into his house, committed loot-pat and took away *Attaichi* containing ornaments worth Rs. 8,000/-.

It has been submitted by learned counsel for the petitioner nos. 1, 2, 3, 5, 7 and 8 that they have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. 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. Nature of injury is said to be simple. No offence under Section 307 of the I.P.C. is made out in the present case. At best, it is a case for offence under Section 325 of the I.P.C.

On behalf of the State, it is submitted that the petitioner nos. 1, 2, 3, 5, 7 and 8 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 1, 2, 3, 5, 7 and 8 (except petitioner no. 4, namely, Nagina Ray and petitioner no. 6, namely, Arun 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, Muzaffarpur, in connection with Maniyari P.S. Case No. 333/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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