

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27112 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- MANER District- Patna

1. Vikash Kumar, S/O Shri Jai Kishun Rai @ Jai Kishun Yadav Resident Of Village- Suarmarwa, P.S- Maner, District- Patna, Bihar
2. Rahul Kumar, S/O Shri Ram Kishun Rai Resident Of Village- Suarmarwa, P.S- Maner, District- Patna, Bihar
3. Police Kumar, S/O Shri Ram Vishun Rai Resident Of Village- Suarmarwa, P.S- Maner, District- Patna, Bihar
4. Jai Kishun Yadav, S/O Late Banarasi Rai Resident Of Village- Suarmarwa, P.S- Maner, District- Patna, Bihar
5. Jyotish Kumar, S/O Shri Jai Kishun Rai Resident Of Village- Suarmarwa, P.S- Maner, District- Patna, Bihar
6. Akhilesh Rai, S/O Shri Ram Vishun Rai Resident Of Village- Suarmarwa, P.S- Maner, District- Patna, Bihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishal Kumar Singh

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 448, 323, 324, 307, 379, 504, 506, 354/ 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners have antecedent of one case. It is next submitted



that the said antecedent also is on account of case being instituted by the side of the informant, who is step-brother of petitioner no.4. It is next submitted that the informant alleges that accused persons came variously armed and entered his house and Jai Kishun Rai assaulted his son Atalmuni Rai on head with *Garasa* causing injury. Thereafter, Vikash Kumar and Jyotish Kumar assaulted him on his back with an iron rod while Jai Kishun Rai assaulted him on his left leg by an iron rod and Vikash Kuma snatched gold chain. It is next alleged that Police Rai assaulted Vismani Rai on neck by *Fasuli*. Thereafter, Akhilesh Rai assaulted by sword causing injury on his head. It is next alleged that Kundan Kumar, Kanhaiya Kumar and Rahul Kumar assaulted by lathi. Thrreafter, accused persons pelted stones on his house and misbehaved with the family members.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that even presuming what has been alleged is true without admitting, then the injury suffered by the injured is simple in nature as would manifest from the order impugned itself. The learned counsel further submits that the informant also did not institute the F.I.R. with clean hands for the reason that informant and petitioner no.4 are step-brothers and Vikash



Kumar i.e. petitioner no.1 is son of petitioner no.4 and Jyotish Kumar is also step-nephew of the informant as father of the informant Late Banarsi Rai had performed two marriages and from first marriage, the informant was born and from the second marriage, Jai Kishun Rai and his two brothers were born. It is next submitted that there is a dispute regarding property in the family, which has led to the present occurrence as the side of the informant being offspring of the first wife of Late Vishnu Rai is not willing to concede with the property of his late father for which a Title Suit No.498 of 2022 is also pending in the Court of the learned Subordinate Judge-V, Danapur.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners and the fact that the injury suffered by the injured is simple in nature, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Danapur, Patna in connection with Maner P. S. Case No.390 of 2022, subject to the conditions laid



down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

vikash/-

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

