

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34885 of 2023

Arising Out of PS. Case No.-801 Year-2022 Thana- MANER District- Patna

1. Arun Rai S/O Late Panchi Rai R/O Tata Colony, Madhopur, P.S- Maner, Distt.- Patna.
2. Mukesh Kumar S/O Arun Rai R/O Tata Colony, Madhopur, P.S- Maner, Distt.- Patna.
3. Golu @ Manish Kumar S/O Arun Rai R/O Tata Colony, Madhopur, P.S- Maner, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-10-2023 Heard Mr. Saroj Kumar Choudhary, learned counsel
for the petitioners and Mr. Md. Ataur Rahman, learned APP for
the State.

2. The petitioners are apprehending their arrest connection with Maner P.S. Case No. 801 of 2022, F.I.R. dated 06.11.2022 registered for the offences punishable under Sections 341, 323, 307, 335, 325, 504, 506, 34 of the Indian Penal Code.

3. Allegation against the petitioners and others, in brief, is that they came near the house of informant at about 11:00 A.M. on 30.10.2022 and petitioner namely Mukesh who



was armed with *desi katta*, fired on her and ordered her to renounce/abandon that land. When the informant protested, petitioner Arun Rai with an intention to kill struck her on her head with iron rod and inflicted bleeding injury. Then petitioner Golu & Manish struck her and broke her hand. Thereafter, at the behest of co-accused Lalati Devi, petitioner Mukesh Kumar poured kerosene oil over the informant's cowshed and then set it on fire. Petitioners also threatened to kill informant's son.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that due to admitted land dispute the present occurrence had taken place and from perusal of the F.I.R. it appears that there is specific allegation of assault against all the accused persons including the petitioners and both the parties belonged to the same family. He further submits that the date of occurrence as alleged in the F.I.R. is 30.10.2022 but the F.I.R. was instituted on 06.11.2022 after delay of seven days without giving any explanation of delay.

5. Learned APP for the State, on the other hand, on the basis of material available on record as well as case diary, opposed the prayer for bail of the petitioners and submits that



injury report of the Babita Devi suggests that she has received head injury and injuries are grievous in nature and it has come during investigation that the petitioners have also set fire the cowshed of the informant and apart from that the petitioner no. 1 namely Arun Rai carries four more cases, petitioner no. 2 namely Mukesh Kumar carries two more cases whereas petitioner no. 3 carries one more case other than the present one.

6. In view of the aforesaid, I am not inclined to grant the privilege of anticipatory bail to the petitioners in connection with Maner P.S. Case No. 801 of 2022 pending in the Court of Judicial Magistrate, 1st Class, Danapur, Patna.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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