

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21317 of 2024

Arising Out of PS. Case No.-377 Year-2022 Thana- MANER District- Patna

1. Umesh Rai @ Pahalwan @ Umesh Yadav Son of Late Arjun Rai @ Arjun Singh Resident of Jiv Rakhan Tola, PS-Maner, District-Patna
2. Dharmendra Kumar Son of Umesh Rai @ Pahalwan @ Umesh Yadav Resident of Jiv Rakhan Tola, PS-Maner, District-Patna
3. Jitendra Kumar Son of Umesh Rai @ Pahalwan @ Umesh Yadav Resident of Jiv Rakhan Tola, PS-Maner, District-Patna
4. Lallan Rai Son of Late Sutan Rai Resident of Jiv Rakhan Tola, PS-Maner, District-Patna
5. Krishna Rai Son of Hardeo Rai Resident of Jiv Rakhan Tola, PS-Maner, District-Patna
6. Bablu Kumar Son of Krishna Rai Resident of Jiv Rakhan Tola, PS-Maner, District-Patna
7. Horil Rai Son of Lallan Rai @ Ram Janam Rai Resident of Jiv Rakhan Tola, PS-Maner, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 26-10-2024 Heard Mr. Akhauri Kamal Kishore Sahay, learned counsel for the Petitioners and Mr. Binod Kumar No.3, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Maner P.S. Case No. 377 of 2022 dated 29.05.2022 registered for the offences punishable under Sections 147, 149, 323, 307, 354, 504 and 506 of the Indian Penal Code.

3. The main submissions advanced by learned counsel



appearing for the petitioners are that both the parties are neighbours and in between them, there was a dispute regarding the construction of a boundary wall and on the alleged day and time of occurrence, an incident of free fight took place on account of the said dispute in which seven persons belong to the petitioners' side sustained injuries and admittedly from the prosecution side two persons sustained injuries whose details are mentioned in the FIR and further, as per FIR, no fatal weapon was used by the accused persons including the petitioners in the alleged occurrence and as per allegation, informant's brother is said to have been assaulted by the accused, Umesh Rai @ Pahalwan (petitioner no.1), Dharmendra Kumar (petitioner no.2) and Jitendra Kumar (petitioner no.3) by means of bricks and the other injured who happens to be the aunt of the informant was assaulted by means of an iron rod by the accused namely, Lallan Rai (petitioner no.4), Krishna Rai (petitioner no.5) and Horil Rai (petitioner no.7) but the said allegation is not specific against any of them. It is further submitted that the alleged occurrence is not said to have been committed in a planned manner rather the same occurred in the spur of the moment as per the prosecution story and all the petitioners have fair and clean antecedent.

4. Learned APP for the State has opposed the prayer for bail of the petitioners.



5. Considering the facts and circumstances of this case as well as above submissions and mainly the facts that there is a case and counter case in between both the parties and as per above submissions, seven persons from petitioners' side sustained injuries in the alleged occurrence which shows that a free fight took place in between both the parties during the relevant time coupled with the fair and clean antecedent of the petitioners as well as the genesis of the occurrence, this Court is inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Maner P.S. Case No. 377 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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