

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29194 of 2024

Arising Out of PS. Case No.-536 Year-2023 Thana- MANER District- Patna

1. Shankar Rai @ Shankar Bhagwan Son of Late Manohar Ray @ Mohan Ray Resident of Village - Khashpur, P.S. - Maner, District - Patna
2. Mantu Rai @ Mitu Rai Son of Late Manohar Ray @ Mohan Ray Resident of Village - Khashpur, P.S. - Maner, District - Patna
3. Ajay Rai Son of Shankar Rai Resident of Village - Khashpur, P.S. - Maner, District - Patna
4. Baiju Kumar @ Gorakh Son of Shankar Rai Resident of Village - Khashpur, P.S. - Maner, District - Patna
5. Bittu Kumar @ Bittu Rai Son of Shankar Rai Resident of Village - Khashpur, P.S. - Maner, District - Patna
6. Urmila Devi Wife of Shankar Rai Resident of Village - Khashpur, P.S. - Maner, District - Patna
7. Pratima Devi Wife of Sanjay Rai Resident of Village - Khashpur, P.S. - Maner, District - Patna
8. Umesh Kumar @ Umesh Rai Son of Prabhu Rai Resident of Village - Khashpur, P.S. - Maner, District - Patna
9. Sanjay Kumar @ Supan Rai Son of Late Jamun Rai Resident of Village - Khashpur, P.S. - Maner, District - Patna
10. Satyendra Kumar @ Dena Kumar Son of Shankar Rai Resident of Village - Khashpur, P.S. - Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Maner PS Case No.536 of 2023 dated 25-07-2023, instituted
under Sections 341, 323,307,379,325, 504 and 506/34 of the



Indian Penal Code.

3. The prosecution case in short is that on 16.07.2023 at about 4 PM cattle of informant eaten fodder of petitioner No.1. Owing to this, it is alleged that petitioner no.1 has badly flogged cattle of the informant. On objection raised by the informant, petitioners exasperated and started abusing him in presence of several villagers. It is further alleged that in evening, at about 5 PM, while the informant was milching his cattle, in the mean time, all accused persons reached there and petitioner No.1, namely, Shankar Rai gave order to kill him. It is alleged that petitioner No.9, namely, Sanjay Kumar @ Supan Rai and petitioner No. 1 have assaulted the informant on his head by means of iron rod causing head injury and also hit his hands which got fractured. Co-accused Ganesh Rai and petitioner No. 10, namely, Satyendra Kumar @ Dena Kumar have assaulted with iron rod to the son of the informant which resulted in fracture of his hands. Petitioner No. 3, namely, Ajay Rai and petitioner No. 4 namely, Baiju Kumar @ Gorakh Rai have assaulted with iron rod and *lathi* to the son of the informant, on account of which, he sustained injuries on his head, ear and right hand's finger. Allegation against the petitioner Nos.5,namely,Bittu Rai, petitioner No.2, namely, Mantu Rai and



petitioner No.8, namely, Umesh Rai is that they dragged the informant's wife by catching her hair and assaulted with *lathi*, on account of which, she sustained injury on her left eye. Allegation against co-accused, namely, Bajwa Rai and petitioner No.6, namely, Urmila Devi is that they committed loot in the house of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is specific allegation against petitioner Nos. 1, 9 and 10, namely, Shankar Rai @ Shankar Bhagwan, Sanjay Kumar @ Supan Rai and Satyendra Kumar @ Dena Kumar respectively of assaulting the informant and his son, namely, Golu Kumar on their head and hand respectively and there is general and omnibus allegation of assault against petitioner Nos. 2,3,4,5, 6, 7 and 8. It is submitted that there is case and counter case between the parties. It is submitted that petitioner No.1, namely, Shankar Rai lodged Maner P S Case No. 535 of 2023 for the offence under Sections 341, 323, 324, 307, 354, 504, 506 and 34 of the IPC on 25-07-2023 on the same day, prior to registration of the instant case against the present informant and others. Lastly, it is submitted that the petitioners have clean antecedents.



5. Learned APP has opposed the prayer for bail. It is submitted that there is specific allegation against petitioner Nos 1, 9 and 10, namely, Shankar Rai @ Shankar Bhagwan , Sanjay Kumar @ Supan Rai and Satyendra Kumar @ Dena Kumar of assaulting the informant and his son Golu Kumar on their head and hand respectively.

6. Since there is direct allegation against petitioner Nos. 1, 9 and 10 of assaulting the informant and his son, this Court is not inclined to extend the privilege of anticipatory bail to petitioner Nos.1, 9 and 10, namely, Shankar Rai @ Shankar Bhagwan, Sanjay Kumar @ Supan Rai and Satyendra Kumar @ Dena Kumar. Their prayer for bail is rejected.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, petitioner Nos. 2,3,4,5,6, 7 and 8, namely, Mantu Rai @ Mitu Rai, Ajay Rai, Baiju Kumar @ Gorakh, Bittu Kumar @ Bittu Rai, Urmila Devi, Pratima Devi and Umesh Kumar @ Umesh Rai in the event of arrest or surrender before the Court below within six weeks from today, the petitioner Nos. 2,3,4,5,6,7 and 8 be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. First Class, Danapur, Patna,



in Maner PS Case No.536 of 2023, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

8. The application is partly allowed.

(Khatim Reza, J)

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