

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62606 of 2024

Arising Out of PS. Case No.-152 Year-2024 Thana- MANJHI District- Saran

1. UMESH RAI S/O RAMNATH RAI @ RAMNATH MANJHI @ RAMNATH YADAV R/O VILLAGE- LALPUR BHALUA, P.S- MANJHI, DISTT.- SARAN.
2. KAMESHWAR RAI S/O JAGARNATH RAI R/O VILLAGE- LALPUR BHALUA, P.S- MANJHI, DISTT.- SARAN.
3. PARMESHWARI RAI @ PARMESHWAR RAI S/O JAGARNATH RAI R/O VILLAGE- LALPUR BHALUA, P.S- MANJHI, DISTT.- SARAN.
4. GYANTI DEVI W/O KAMESHWAR RAI R/O VILLAGE- LALPUR BHALUA, P.S- MANJHI, DISTT.- SARAN.
5. DINESH LAL YADAV @ DINESH RAI S/O JAGARNATH RAI R/O VILLAGE- LALPUR BHALUA, P.S- MANJHI, DISTT.- SARAN.
6. SUMITRA @ SUMITRA DEVI @ SUNITA DEVI W/O PARMESHWAR RAI R/O VILLAGE- LALPUR BHALUA, P.S- MANJHI, DISTT.- SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Bhushan, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 20-11-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners apprehend their arrest in connection with Manjhi P.S. Case No.152 of 2024 registered for the offence under Sections 323, 341, 325, 307, 379, 504, 506/34



of the Indian Penal Code.

3. The allegation against the petitioners along with other co-accused persons is to have assaulted the informant and his family members by means of *lathi*, *danda*, iron rod, *gadasa*, etc. It is also alleged in the FIR that petitioners snatched golden Mangal Sutra and earring of wife of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted by learned counsel that out of 6 petitioners, 2 petitioners are ladies. It is submitted that specific allegation as regards to assault by means of *Gadasa* has been leveled only against petitioner no.1, Umesh Rai. It is submitted that it appears from perusal of injury report of Rajendra Rai that one lacerated wound on head and second is lacerated wound on left hand and third complained about whole body pain and from perusal of supplementary injury report it appears that fracture found in the mid shaft of 4th and 5th M.C. Bone of left hand and other injuries are simple in nature. It is submitted that injury as regard to Rajni Kumari and Prince Kumar three injury found, first at back side, second on thigh and third complained about whole body pain and the injuries are simple in nature, where,



injuries caused by means of hard and blunt substance. It is further submitted that injury as regard to Vikas Kumar Rai only one injury found on his body which is simple in nature. It is submitted that entire injury report of injured persons have not shown any injuries which was caused by means of sharp edged weapon like *gadasa*. It is also submitted that admittedly there is land dispute in between the parties and there is case and counter. It is submitted that except Sections 307 and 379 of the IPC, all the sections are bailable and the same is not applicable in the present case. It is submitted that petitioners are man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer of bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, submissions made on behalf of the petitioners and as specific allegation as regard to assault by means of *Gadasa* has been levelled against petitioner no.1, namely, Umesh Rai only and the injuries of the injured persons are found to be simple in nature, not a single injury was found by the doctor which has to be caused by means of weapon like *Garasa*, let the above-named petitioners be released on anticipatory bail in their event of his/her arrest or surrender



before the trial court within a period of six weeks from today on
furnishing bail bond of Rs.10,000/- (Ten Thousand) each with
two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Saran at Chapra in connection
with Manjhi P.S. Case No.152 of 2024, subject to the condition
laid down under Section 438(2) of Cr.P.C.

(Ramesh Chand Malviya, J)

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