

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59575 of 2024

Arising Out of PS. Case No.-221 Year-2024 Thana- MANER District- Patna

1. Sunny Kumar son of Ramashankar Rai @ Ramashankar Yadav R/O Village- Lodipur Byapur Police station- Maner District- Patna
2. Bobby Kumar @ Abhishek Kumar @ Abhishek Yadav son of Ramashankar Rai @ Ramashankar Yadav R/o Village- Lodipur Byapur Police station- Maner District- Patna
3. Nishu Kumar @ Rishu Kumar son of Ramashankar Rai @ Ramashankar Yadav R/o Village- Lodipur Byapur Police station- Maner District- Patna
4. Ravi Kumar son of Late Shraddha Rai R/o Village- Lodipur Byapur Police station- Maner District- Patna
5. Ramashankar Rai @ Ramashankar Yadav son of Late Chandeshwar Rai R/o Village- Lodipur Byapur Police station- Maner District- Patna
6. Shankar Rai son of Late Bhagwan Rai R/o Village- Dost Nagar Byapur Police station-Maner District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunit Kumar Srivastava, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, Adv.

Mr. Rajnish Ranjan

Mr. Shailesh Kr. Singh, Advocates

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Maner PS Case No.221 of 2024 dated 03-04-2024, instituted under Sections 447,341,323,379, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.



3. The prosecution case, in brief, is that 18 to 20 persons, including the petitioners, variously armed with gun, country made pistol barged into the house and started assaulting the family members and stolen her chain, *mangalsutra*, cash of Rs. 30 to 40 thousand from her cupboard and ran away with her land related documents. It is further alleged that on 01.04.2024 at 4.00 O'clock Ramashankar Rai along with his sons committed the occurrence of assault in which her father-in-law and husband got injured and they also opened firing in the air and fled away hurling abuses and after their departure two empty cartridges were found from her door about which she informed the police. Lastly, it has been alleged that the accused persons are also involved in illegal excavation.

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 father-in-law of the informant, namely, Falendra Kumar filed a case under Section 144 Cr. P.C. bearing Case No. 29(M)/2024 before the Court of learned S.D.M. Danapur, in which the petitioner no.5, namely, Ramashankar Rai @ Ramshankar Yadav has been made O.P. On summon, the said Ramashankar Rai @ Ramshankar Yadav filed his show cause and after considering the fact, the said



proceeding was dropped. It is submitted that petitioner No.5, namely, Ramashankar Rai @ Ramashankar Yadav filed Maner PS Case No. 212 of 2024 dated 01-04-2024 under Sections 147,148,341,323,307, 504,379, and 506 of the IPC and Section 27 of the Arms Act against the informant's husband and her father-in-law. The allegation against the father-in-law of the informant, namely, Falendra Kumar is that he along with his associates committed theft and assaulted the workers of the petitioner no.5, namely Ramashankar Yadav, for which the partner of the said brick-kiln, namely, Sri Ranvir Kumar lodged Maner PS Case No. 864 of 2023, dated 10-12-2023 against the father-in-law of the informant under Sections 341,323, 379, 385, 504 and 34 of the IPC. It is submitted that the present false case has been lodged deliberately to save their skin from Maner PS Case No. 212 of 2024. Lastly, it is submitted that petitioner Nos.1,2,3,4, and 5 have no criminal antecedents whereas, petitioner no.6 has one criminal case against him.

5. Learned counsel for the informant and learned APP for the State have opposed the prayer for bail. It is submitted that petitioners have barged into the house of informant being armed with gun and *desi katta*, and opened indiscriminate firing and looted the belongings of the informant's house and two



empty cartridges were also recovered from the place of occurrence by the police.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners 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 Judicial Magistrate 1st Class Danapur, in Maner PS Case No. 221 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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