Ranjan Kumar @ Ravi Ranjan Kumar And Anr Vs State Of Bihar

Criminal Miscellaneous No. 34547 Of 2020

Court: Patna High Court

Date of Decision: May 21, 2021

Acts Referred:
Indian Penal Code, 1860 â€" Section 34, 302, 307, 323, 324, 341#Arms Act, 1959 â€" Section 27

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Ajay Kumar Thakur, Sanjay Kumar Sharma, Yugal Kishore

Final Decision: Dismissed

Judgement

1. The matter has been heard via video conferencing.

2. Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioners; Mr. Sanjay Kumar Sharma, learned Additional Public Prosecutor (hereinafter

referred to as the Ã¢â‚¬ËœAPPÃ¢â‚¬â„¢) for the State and Mr. Yugal Kishore, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Bidupur PS Case No. 153 of 2020 dated 05.05.2020 instituted under Section 302/34 of the

Indian Penal Code.

4. The allegation against the petitioners is of abusing the brother of the informant while he was passing in front of his house. Thereafter, it was alleged

that co-accused Sanjay Rai assaulted by sword on the head due to which the brother of the informant namely Ritesh Kumar died while going for

treatment to PMCH.

5. Learned counsel for the petitioners submitted that against them there is no specific overt act alleged except for abuse. It was submitted that incident

had occurred in front of the house of the petitioners and it was the informantÃ¢â‚¬â„¢s side who were the aggressors and in such incident the mother of

the petitioners had received gun-shot injury and was treated. It was submitted that she was treated at Bidupur Primary Health Centre and, thereafter,

Sadar Hospital, Hajipur for which Bidupur PS Case No. 158 of 2020 was instituted on 07.05.2020. It was submitted that at 8 PM the incident is said to

have occurred and there was no means of identification with regard to the persons who had committed the crime, if at all, it was committed and

further that there is no mentioning how the mother of the deceased received bullet injury. Learned counsel submitted that even otherwise the

informant party were the aggressors who had come to look for the uncle of the petitioners namely Sanjay Rai and tried to forcibly enter in the house

and, thus, but naturally there was resistance from the side of the petitioners in which some incident has occurred, but they are protected by their right

to self-defence.

6. Learned APP, from the case diary, submitted that six wounds have been found on the deceased; four on the head and two on other parts of the

body, which clearly indicates that there was brutal assault by all the accused.

7. Learned counsel for the informant submitted that independent witnesses have stated that all the accused, including the petitioners, were mercilessly

assaulting the deceased and six injuries having been found on him, which clearly indicates that the petitioners were also actively involved in the assault.

Learned counsel submitted that a few days prior to the incident, which occurred at 9 PM on 02.05.2020, occurred for which Bidupur PS Case No. 152

of 2020 was instituted under Sections 341, 323, 324 and 307 of the Indian Penal Code and 27 of the Arms Act by the cousin of the deceased against

the petitioners and other accused. It was submitted that in retaliation, the present incident has occurred. With regard to Bidupur PS Case No. 158 of

2020 lodged by the wife of Ratnesh Kumar Yadav, father of the petitioners, the occurrence is alleged to have taken place at 9.30 PM on 03.05.2020

whereas the present FIR is against the incident which happened at 8 PM on 03.05.2020 and, thus, the two are unconnected and the second case has

no bearing in the present case, as the two incidents were two separate transactions. It was submitted that the uncle of the petitioners, namely Sanjay

Rai is also accused in other cases under serious sections and even the petitioners are accused in Bidupur PS Case No. 152 of 2020. Learned counsel

submitted that Arun Kumar, who is an eye-witness and the informant; eye-witness Rahul Kumar; eye-witness Rambabu and eye-witness Alok Kumar

@ Pintu have identified Sanjay Rai, Ranjan Kumar (petitioner no. 1), Sunny Kumar, Vicky Kumar (petitioner no. 2) and Mukesh Singh, as the persons

who had brutally assaulted the deceased. He further submitted that Ram Naresh Singh, another eye-witness, has also identified three accused persons

namely Sanjay Rai, Sunny Kumar and Mukesh Singh and has stated that there were two other persons, though not identified by him, but which clearly

refers to the petitioners.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-

arrest bail to the petitioners.

9. Accordingly, the application stands dismissed.

10. Interim protection granted to the petitioners under order dated 05.04.2021 stands vacated.