

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47639 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -BAIKUNTHPUR District- GOPALGANJ

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Upendra Rai S/o Badshah Rai Resident of village- Banhauli, P.S.-
Baikunthpur, District- Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Nath Rai

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 12-12-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the state.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Baikunthpur P.S. Case No. 138 of 2016 for the offences punishable under sections 147, 148, 149, 447, 341, 323, 354, 427, 436, 504 and 379 of the I.P.C.

Allegedly, the petitioner burnt the house of the informant in the occurrence.

Submission is of false implication and that this case is counter blast of Baikunthpur P.S. Case No. 137 of 2016, due to the village politics this case has been lodged, other co-accused have been allowed pre-arrest bail, Title Suit No. 27 of 2011 has already been decreed in favour of father of the petitioner and as such the



petitioner deserves sympathetic consideration.

The learned A.P.P. seriously opposes prayer for pre-arrest bail of the petitioner by submitting that against the petitioner there is allegation for burning the house of the informant.

In the facts and circumstances stated above, considering the allegation which finds support during investigation also, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Gopalganj.

However, in case and if so advised, the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by this order, preferably on the same day.

Abhay/-

(Jitendra Mohan Sharma, J)

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