

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52291 of 2017

Arising Out of PS.Case No. -23 Year- 2002 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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Shatrudhan Rai, Son of Dudhnath Rai Resident of Village-Naraha, P.S.
Rajepur, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Anish Chandra

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

ORAL ORDER

2 10-11-2017 The learned counsel for the petitioners submits that

petitioner no.1 Dudhnath Rai has been arrested and his prayer for

pre-arrest bail has become infructuous and as such seeks

permission to withdraw his prayer for pre-arrest bail.

Permission is granted. Prayer of pre-arrest bail of
petitioner no.1 Dudhnath Rai is dismissed as withdrawn.

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 Rajepur P.S. Case No. 23



of 2002 for the offences punishable under sections 323, 341, 379, 504 and 307/34 of the I.P.C.

Allegedly, in the occurrence on the order of Bal Bhagwan Rai, Dudhnath Rai assaulted with farsa on the head of the informant causing injury and bleeding and when Jiyalal Rai came for rescue Ramnath Rai assaulted him with lathi. All the accused persons were assaulting with lathi, danda and fists and were abusing.

Submission is of false implication and that against the petitioner Shatrudhan Rai there is no specific allegation of assaulting any one, after investigation the petitioner was not sent up for trial, the learned C.J.M. differing with the police report took cognizance against the petitioner also without applying judicial mind and as such the petitioner Shatrudhan Rai deserves sympathetic consideration.

The learned A.P.P. fairly submits that petitioner Shatrudhan Rai has not been sent up for trial.

In the facts and circumstances stated above, the petitioner Shatrudhan Rai, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of S.D.J.M, Motihari, District-
East Champaran in connection with the aforementioned case,
subject to the condition as laid down under section 438 (2) of the
Cr.P.C.

(Jitendra Mohan Sharma, J)

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