

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52265 of 2016

Arising Out of PS.Case No. -153 Year- 2016 Thana -KUDHNI District- MUZAFFARPUR

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Lalan Rai Son of Jang Bahadur Rai Resident of Village- Gausi Khan, P.S.
Kudhani (O.P. Phakuli), District Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-01-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Kurhani (Fakuli O.P.) P.S. Case No. 153 of 2016 for the
offence instituted under Section 341, 323 and 307/34 of the
Indian Penal Code.

The allegation against the petitioner that he along with
other co-accused assaulted the informant with lathi and danda,
while he was sleeping in his house.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. He has
falsely been implicated in the present case. The alleged



occurrence is said to have taken place on 16.05.2016. The case was instituted on 25.05.2016. The delay has not been explained by the prosecution. There is a land dispute between the parties.

On behalf of the State and the counsel for the informant, it has been submitted that the petitioner is named in the F.I.R. and the nature of injury is said to be grievous.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer for anticipatory bail of the petitioner stands rejected in connection with Kurhani (Fakuli O.P.) P.S. Case No. 153 of 2016, pending in the court of Sri Manish Pandey, Judicial Magistrate, 1st Class, Muzaffarpur.

Anyhow if the petitioner surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J.)

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