

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9108 of 2017

Arising Out of PS.Case No. -146 Year- 2016 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Kunti Devi, wife of Jitendra Rai
 2. Jitendra Rai, son of Jagdeo Rai both are Resident of Village- Katha Nanhkar, P.S.- Mehsi, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party : Mr. Abhay Kumar Roy (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-03-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection with Mehsi P.S. Case No. 146 of 2016, registered for the offences punishable under Sections 323, 341, 324, 325, 307, 504/34 of the Indian Penal Code and Section 3/4 of the Dain Act.

Allegedly, the petitioners started calling the informant as Dain and on protest assaulted her with farsa causing head injury and Kunti Devi assaulted with iron rod causing fracture of the finger of right hand.

Submission is of false implication and that all the injuries found on the person of the informant is simple in



nature. There was no intention to commit murder and, as such, no offence under Section 307 of the I.P.C. is made out, there is no allegation that farsa blow was repeated. The petitioner no.1 is lady and, as such, she deserves special protection, against the petitioner no.2 there is no specific allegation, they have got no criminal antecedent and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. seriously opposes by submitting that both were calling the informant as Dain and assaulted and on the top of scalp incised wound has been found, so it is not a fit case for pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Mehshi P.S. Case No. 146 of 2016, pending in the Court of learned A.C.J.M.-VI, Motihari, East Champaran.

(Jitendra Mohan Sharma, J.)

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