

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49544 of 2017

Arising Out of PS.Case No. -108 Year- 2017 Thana -SARAI District- VAISHALI(HAJIPUR)

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1. Shyam Babu Rai son of Nageshwar Rai, resident of Village- Mansurpur (Tolia Sarai), P.S. Sarai, District- Vaishali.
 2. Vivek Kumar, son of Lal Babu Rai, resident of Village- Mansurpur (Tola Sarai), P.S. Sarai, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 14-12-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the state.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Sarai P.S. Case No. 108 of 2017 for the offences punishable under sections 147, 149, 341, 323, 324, 307, 354, 379 and 504 of the I.P.C.

Allegedly, in the occurrence petitioner no.1 assaulted with Sawel on the head, back and chest of the informant causing injury to him and petitioner no.2 assaulted wife of the informant making her necked and further petitioner no.2 snatched gold chain and jitia from the neck of wife of the informant.

Submission is of false implication and that there is case and counter case, the occurrence has taken place at the spur



of moment, there was no intention to commit murder so the offence under section 307 of the I.P.C. is not made out, land dispute is going on between the parties, a proceeding under section 144 of the Cr.P.C. was also started and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that against both the petitioners there is specific allegation and the informant has received two injuries, one on scapular region and other on parietal scalp. Injury no.1 is caused by sharp pointed substance.

In the facts and circumstances 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 the aforementioned case pending in the court of Sri Neeraj Kumar, A.C.J.M-XIII- Cum- Sub. Judge-XIV, Vaishali at Hajipur.

(Jitendra Mohan Sharma, J)

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