

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12714 of 2017**

Arising Out of PS.Case No. -405 Year- 2016 Thana -MANER District- PATNA

- =====
1. Bholi Rai.
  2. Bhola Rai.
- Both are sons of Sheodhar Rai.  
Both are resident of village-Haldi Chhapra Sat Anna, P.S. Maner,  
District-Patna.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**  
**ORAL ORDER**

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2      28-03-2017              At the very outset, learned counsel for the petitioners submits that the petitioner no.1 Bholi Rai has already been arrested in the case and seeks permission to withdraw this application in his respect.

In that view of the matter, this application in respect of the petitioner no.1 Bholi Rai is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2 Bhola Rai for grant of anticipatory bail is being considered.

Heard.

The petitioner no.2 Bhola Rai apprehends his arrest in connection with Maner P.S. Case No.405 of 2016 registered under Sections 147, 341, 379, 323, 307, 504 and 506 of the Indian Penal



Code, pending in the court of Sri Randhir Kumar, Judicial Magistrate, First Class, Danapur, Patna.

The accusation is that on 03.09.2016, the informant Chanddeo Rai was present at Hardi Chapra River near his boat. At that time, five persons named in the F.I.R., including the petitioners armed with lathi, danda, iron rod and khanti reached there and started to abuse and assault the informant. In that course, they also snatched the gold chain and cash Rs.40,000/- of the informant and Bholi Rai (petitioner no.1) assaulted the informant with iron road whereas Bhola Rai (petitioner no.2) assaulted him with Khanti, due to which the informant sustained injury on his chest and whole body and he became unconscious. The informant regain consciousness in course of treatment at P.M.C.H., Patna.

Submission on behalf of the petitioner no.2 Bhola Rai is that he has falsely been implicated in this case due to dispute of boating.

In the F.I.R., there is specific allegation against the petitioner no.2 Bhola Rai to cause injury to the informant through Khanti.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner no.2 Bhola



Rai, I am not inclined to grant anticipatory bail to him. Accordingly, the prayer of the petitioner no.2 Bhola Rai for grant of anticipatory bail stands rejected. However, the petitioner no.2 Bhola Rai is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

**(Rajendra Kumar Mishra, J)**

**P.S./-**

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