

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63314 of 2018

Arising Out of PS. Case No.-367 Year-2017 Thana- MADHAURAH District- Saran

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Santosh Rai Son of Sikandar Rai Resident of Village- Mubarkpur, P.S.
Madhaura, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary
For the Opposite Party/s : Mr. Ramchandra Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Madhaura P.S. Case no. 367 of 2017 registered under
Sections 341, 342, 323, 365, 427, 504 and 506/34 of the Indian
Penal Code.

Relative of the informant, namely, Arbind Rai is
said to have been kidnapped by four accused persons named in
the formal FIR along with four unknown miscreants assaulting
him. The petitioner and three other accused persons named in
the written report present in the house of the aforesaid four
accused persons also assaulted the victim.

It is submitted by learned counsel for the petitioner



that the petitioner is quite innocent and has committed no offence. He has no concern with the aforesaid occurrence. No such occurrence as alleged ever took place. As a matter of fact, Arbind Rai along with his associate had gone to poultry farm of Mithlesh Rai to commit some crime. He was thrashed by the villagers and produced before the police along with arms and ammunition. Regarding the aforesaid incident, Mithlesh Rai has lodged Marhaura P.S. Case No. 366 of 2017 and in order to save skin of the aforesaid victim, the informant has lodged this false and frivolous case against the petitioner, who is on inimical terms with the victim. The victim was not found at the house of any of the accused rather at the police station produced by the villagers. Similarly situated co-accused, namely, Umesh Ray @ Umesh Prasad Yadav and Mithlesh Rai have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.05.2018 passed in Cr. Misc. No. 20232 of 2018.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.



10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIII, Chapra at Saran in connection with Madhaura P.S. Case no. 367 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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