

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59464 of 2017

Arising Out of PS.Case No. -239 Year- 2017 Thana -MAHUA District- VAISHALI(HAJIPUR)

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Sanjay Rai @ Sanjay Kumar, S/o Yadunandan Rai, Resident of Village-
Gorigama, P.S.- Mahua, District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party : Mr. Sri Narsingh Tanti (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-01-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

The petitioner apprehends his arrest in connection
with Mahua P.S. Case No. 239 of 2017, registered for the offences
punishable under Sections 147, 148, 149, 447, 326, 307, 302, 504
of the Indian Penal Code and Section 27 of the Arms Act

Allegedly pillar was being constructed and the
informant, his father, cousin and uncles were there and then the
petitioner and other co-accused came and on the order of Sanjeet
Rai and Krishna Kumar Bhargav, the petitioner opened
indiscriminate firing on the father of the informant causing injury
on his head, face and right arm, resulting, he succumbed to the
injury. It is alleged that the petitioner used to purchase disputed



land and forcibly used to take possession.

Submission is of false implication and that the brother of the petitioner is mukhiya and he has supported his brother in mukhiya election resulting, his false implication. There is land dispute between the parties, on the date and time of the occurrence the petitioner was in Tejpur, Assam and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant seriously opposes the prayer of pre-arrest bail by submitting that during investigation also the allegation against the petitioner has substantiated.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Mahua P.S. Case No. 239 of 2017, pending in the Court of learned C.J.M., Vaishali at Hajipur.

(Jitendra Mohan Sharma, J.)

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