

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24404 of 2018

Arising Out of PS.Case No. -238 Year- 2017 Thana -BAJPATTI District- SITAMARHI

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Shivjee Mahto, S/o Moti Mahto, R/o Village- Patadaura, P.S.- Bajpatti,
District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Shantanu Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 25-04-2018 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Bajpatti P.S. Case No. 238 of 2017 for the offences punishable under sections 341, 323, 307 and 379/34 of the I.P.C.

Allegedly, the petitioner assaulted the informant with Dabia on his head causing injury and bleeding.

Submission is of false implication and that there is case and counter case, wife of the petitioner has also lodged Bajpatti P.S. Case No. 240 of 2017 under sections 341, 323, 354 (B), 379 and 341 of the I.P.C, the injury on the person of wife of the petitioner has also been found dangerous by the doctor, against



the petitioner there is no allegation for repeating the blow and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that the injury report of the informant annexed with the bail petition, vide Annecure-2, supports the allegation against the petitioner and injury no.1 of the informant has been found dangerous.

In the facts and circumstances stated above, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of S.D.J.M. Pupri at Sitamarhi.

The petitioner is directed to surrender and seek regular bail within six weeks from today then his prayer for regular bail shall be considered on its own merits without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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