

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20116 of 2018

Arising Out of PS.Case No. -815 Year- 2017 Thana -BANKA District- BANKA

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Umesh Rai, Son of late Muso Rai, Resident of Village- Deokal, P.S.
District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate.

For the Opposite Party/s : Smt. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-04-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Banka P.S.**

Case No. 815 of 2017 instituted for the offence under Sections
147, 148, 149, 341, 323, 324, 307 and 379 of the Indian Penal
Code.

It is alleged in the written report that this petitioner
with two other co-accused persons assaulted brother of the
informant with *Dhabiya* and *Garansa* on the head with intention
to kill him, causing serious injury to him.

The injury report of brother of the informant has been
enclosed as Annexure-2 wherein the Doctor has found injury No.
2 grievous in nature after the report of JCMNCH Bhagalpur.

Learned counsel for the petitioner has submitted that



co-accused Biro Rai @ Birendra Prasad Rai has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 5.4.2018 passed in Cr. Misc. 14714 of 2018.

This Court finds that co-accused Biro Rai @ Birendra Prasad Rai was granted anticipatory bail only on the basis of specific overt act of assault against this petitioner and two others namely, Amit Yadav and Srikant Yadav.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail.

(Sanjay Priya, J)

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