

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70759 of 2018

Arising Out of PS. Case No.-59 Year-2004 Thana- RAJEPUR District- East Champaran

1. Ramsagar Rai, son of Late Fekan Rai,
2. Manjhi Rai, son of Late Sita Ram Rai, Both residents of Village- Pipra Avon,
P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-01-2019 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
147/148/149/323/341/447/379/504 of the IPC.

The prosecution case, as per the written report of
Vishwanath Sahani, submitted to the Station House Officer,
Rajepur Police Station, is to the effect that on 14.07.2004, at
about 6.30 P.M. when the informant was in his shop, five
accused persons came and purchased medicine, and when
money was demanded then all the accused persons started
abusing the informant. On protest being made, all the accused
persons started assaulting the informant and when nearby



persons namely, Shankar Sahani and Ganesh Sahani came to rescue him then they were also assaulted by the accused persons. It is further alleged that at an earlier point of time, an altercation had taken place between the parties.

It is submitted by learned counsel for the petitioner that the injury has been found to be superficial simple in nature. After conclusion of investigation, the petitioners was not sent up for trial but differing with the final form cognizance being taken in the year 2005, but the petitioners filed an application for grant of anticipatory bail only in the year 2018.

Learned APP for the State submits that there is specific accusation against the petitioners of having assaulted the informant.

This Court is not inclined to interfere only on the ground that although the cognizance was taken in the year 2005, and the petitioner moved for anticipatory bail in the year, 2018.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

Let the learned Court below consider the prayer for regular bail of the petitioner, if he surrenders within a period of six weeks in connection with **Rajepur P.S. Case No. 59 of 2004**, pending in the Court of learned **S.D.J.M., Sadar, East**



Champan, Motihari.

However, it is expected that the regular bail application of the petitioner be decided on its own merits, without being prejudiced by this order.

(Dinesh Kumar Singh, J)

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