

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63966 of 2019

Arising Out of PS. Case No.-80 Year-2019 Thana- GORIAKOTHI District- Siwan

VINOD KUMAR UPADHYAY, aged about 35 years, Male, Son of Rajdeo Upadhyay, Resident of Village - Khagani, P.S.- Goreyakothi, District- Siwan
... Petitioner

Versus

The State of Bihar
... Opposite Party

Appearance :

For the Petitioner : Mr. Sachida Nand Rai, Adv.
For the State : Mr. Satyendra Narayan Singh, APP
For the Informant : Mr. Ramchandra Sahni, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-10-2019 Heard learned counsel for the petitioner, the learned counsel for the informant and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Goreyakothi P.S. Case No. 80 of 2019, pending in the Court of the Chief Judicial Magistrate, Siwan, registered under Section 302/34 of the Indian Penal Code.

The accusation is that at about 08.30 p.m. on 06.05.2019, informant, Mintu Kumar Upadhaya, along with his father, Ravindra Upadhaya, was in the way, at that time, due to land dispute, nine persons named in the first information report, including the petitioner, attacked at Ravindra Upadhaya. Informant, any how, managed to flee away raising alarm and after short interval when returned there with villagers, then,



found his father in pool of blood.

Submission is that while the petitioner, named in the first information report, along with others, but, no specific overt act has been attributed against him.

Having regard to the facts and circumstances of the case and the nature of allegation, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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