

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67323 of 2019

Arising Out of PS. Case No.-170 Year-2017 Thana- MAHUA District- Vaishali

SANJAY KUMAR @ SANJAY RAI, aged about 36 years, Male, S/o Late
Yogendra Rai, Resident of Bhadwas Shahpur, P.S.- Mahua, District- Vaishali
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Anuj Kumar, Adv.
For the Opposite Party : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 14-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Mahua P.S. Case No. 170 of 2019 registered under Sections 341,
323, 307, 354, 448, 380, 504 and 34 of the Indian Penal Code.
Later on Section 302 of the Indian Penal Code has already been
added.

The accusation is that in the evening of 20.03.2019
Lalin Rai, Ranjan Rai and Sanjit Rai, all sons of late Yogendra
Rai, entered into the house of the informant, Sarita Devi, took
cash of Rs.60,000/- and ornaments. At that time, Lalin Rai and
Ranjan Rai outraged her modesty. When she raised alarm to
save her, then, her husband and father-in-law rushed there, then,
both were also assaulted. At that time, Sanjay Rai (petitioner),
Gajendra Rai, Devendra Rai and Sunny Kumar were also



indulged in causing assault to her husband and father-in-law.

The learned counsel for the petitioner submits that while the injured, Naresh Mahto (husband of the informant) and Rajendra Mahto (father-in-law of the informant) were rushed for treatment after sustaining the injury, but, father-in-law of the informant died after five days in course of treatment. Further, submission is that it would appear from the first information report that specific allegation of causing assault is against Lalin Rai and Ranjan Rai, but, petitioner and some others added later on. More over, on the date of occurrence, the petitioner was not at the village rather he was at Evaluation Center.

Having regard to the facts and circumstances of the case, 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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