

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26879 of 2020**

Arising Out of PS. Case No.-79 Year-2020 Thana- BAJPATTI District- Sitamarhi

SANTOSH RAI @ SANTOSH KUMAR Son of Chulhai Rai Resident of
Village Rassalpur, Ward No. 10, Police Station - Bajpatti, District Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 06-11-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Sanjay Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Bajpatti P.S. Case No.79/2020 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner and the informant's side are close agnates and the dispute seems to have taken place on cutting of a tree with which the parties were claiming their own share.

Learned counsel further submits that the petitioner has got



no criminal antecedent and he is also suffering from disease in connection with which he has enclosed Annexure-3.

On the other hand, learned APP for the State submits that there is a specific allegation against the petitioner that he had given repeated blow by knife on the vital part of the body of the informant and the statement of the informant is further corroborated from the injury report which has been brought on the record by the petitioner in which the injury of Chhote Rai which is the alias name of the informant Ganesh Rai shows that he had suffered as many as four injuries out of which except injury no.(iv) all other injuries were caused by sharp cutting substance.

Having regard to the facts and circumstances of the case, there being direct allegation of giving repeated blow on the vital part of the body of the informant which were dangerous to life, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the court below within four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court and while praying for regular bail the petitioner may bring the nature of the disease from which he is suffering to the notice of the learned court below.

The observations with regard to surrender in the court below within four weeks shall not be construed as granting any



interim protection to the petitioner for the aforesaid period.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

