

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33418 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- JANDAHA District- Vaishali

Mithilesh Rai @ Mithilesh Kumar, Son of Gauri Shankar Rai, Resident of
Village - Pirapur, P.S. - Jandaha, District- Vaishali ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Sinha, Adv.

For the Opposite Party : Mr. Mrityunjay Kumar Nirala, APP

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

ORAL ORDER

2 12-03-2021

As prayed for, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its note, dated 07.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Jandaha P.S. Case No. 35 of 2020, registered under Sections 341, 323, 353, 504, 307 and 34 of the Indian Penal Code and 38 and 45 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accusation is that in the evening of 17.03.2020 informant, Santosh Kumar Jha, Chaukidar, was in patrolling duty, then, saw that Rahul Chaudhary, Pintu Chaudhary, Bhindi Chaudhary, Mithilesh Rai (petitioner) and Umesh Rai had put two motorcycles in the middle of the road, then, he asked them to move the motorcycles, then, they became annoyed. At the instigation of the petitioner, all started to abuse Chaukidar. At that time, Pintu Chaudhary caused injury through pointed weapon at his left eye, due to which there is



trouble in visibility. At that time all started to cause assault through fists and slaps.

Submission is that while the petitioner is named in the first information report, but, no specific overt act has been attributed against the petitioner as the only allegation against the co-accused, Pintu Chaudhary is of giving injury at the left eye of the informant, Santosh Kumar Jha, Chaukidar, which is simple in nature.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Jandaha P.S. Case No. 35 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II-cum-Special Judge, Excise, Vaishali at Hajipur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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