

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33895 of 2020**

Arising Out of PS. Case No.-44 Year-2020 Thana- UJIYARPUR District- Samastipur

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Anil Kumar Rai @ Anil Rai, aged about 34 years, male, S/o Sukan Rai, R/o village- Mahisari Tola, P.S.- Ujiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Advocate
For the State : Mr. Choubey Jawahar, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 16-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Alok Kumar Sinha, learned counsel for the petitioner and Mr. Choubey Jawahar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Ujiyarpur PS Case No. 44 of 2020 dated 14.02.2020 instituted under Sections 307/323/324/341/379/504/506/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he encircled the neck of the informant by rope and when he tried to flee away, he chased him and assaulted him with *farsa* causing injury on the back portion of the head.



5. Learned counsel for the petitioner submitted that the informant and the petitioner are full brothers. It was further submitted that his younger brother has also been named accused in the present case and has been granted bail by the Court below. It was submitted that the allegation is general and omnibus and that the injury report discloses that the same were simple in nature caused by hard blunt substance. Learned counsel submitted that the petitioner has clean antecedent.

6. Learned APP submitted that there is specific allegation against the petitioner of putting rope around the neck of the informant and also of assault with *farsa* on the head and the doctor has found seven injuries on the person of the informant, including injuries on the head and near the neck, which corroborates the allegation in the FIR.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, on prayer made by learned counsel for the petitioner, it is observed that if the petitioner surrenders before the Court below and prays for bail, within four weeks from today, the same shall be considered on its own merits, in



accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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