

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36042 of 2020

Arising Out of PS. Case No.-70 Year-2020 Thana- MATIHANI District- Begusarai

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1. Sanjay Rai, Son of Late Dharmdeo Rai.
 2. Deepak Kumar, Son of Sanjay Rai.
- Both are R/o Village - Matihani, P. S. - Matihani, District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Adv.
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-05-2021 Heard the counsel for the parties.

The application with respect to petitioner No. 2/Deepak Kumar has already been withdrawn as he had been arrested earlier.

The petitioner No. 1, viz., Sanjay Rai seeks bail in anticipation of his arrest in connection with Matihani P.S. Case No. 70 of 2020, instituted for the offences under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code.

The petitioner No. 1 is said to have cut-off the nose of the informant.

The learned counsel for the petitioner No. 1 has



submitted that he was on duty as a Home Guard Jawan.

However, the learned counsel for the petitioner No. 1 has not been able to demonstrate that there is no evidence in the police papers with respect his being on duty on the day when the occurrence is said to have been taken place.

In any view of the matter, considering the nature of accusation, I am not inclined to grant anticipatory bail to petitioner No. 1.

The prayer for grant of anticipatory bail of the petitioner No. 1 is, accordingly, rejected.

However, if the petitioner No. 1 surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

The application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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