

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4717 of 2021

Arising Out of PS. Case No.-738 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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NAGESHWAR RAI @ AJAY RAI SON OF VISHWANATH ROY R/o
village- Baraharwa, P.S.- Mufassil, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar Sinha

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is expected to honour
his undertaking to remove the defects, as pointed out by the office,
when called upon to do so by the office.

The petitioner is apprehending his arrest in connection
with Motihari Town P.S. Case No. 738 of 2018 for the offence
registered under Sections 302, 120B/34 of the Indian Penal Code
and Section 27 of the Arms Act.

Prosecution case in brief is that co-accused Mitthi @
Mitthu Kumar came to the house of informant and took her husband
out of the house, where co-accused persons along with the petitioner
were standing and as soon as husband of the informant came there,
co- accused Mahanand Thakur fired on his and after receiving injury
in his stomach, he fell down and when the informant and others went



to catch the miscreants, they fled away by opening fire.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely and maliciously been implicated in this case due to village politics. It is further submitted that the main allegation of firing is against co-accused namely, Mahanand Choudhary and Sanjay Singh and not against this petitioner. It is further submitted that similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court vide order dated 13.09.2019 passed in Cr. Misc. No. 35989 of 2019. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest/surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Mufassil P.S. Case No. 738 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Sunil Kumar Panwar, J)

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