

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71260 of 2021

Arising Out of PS. Case No.-97 Year-2021 Thana- KADWA District- Katihar

1. Jiwan Rai @ Jiwan Ray @ Jiwan Lal Rai And Others Son Of Daya Lal Ray Resident Of Village- Dhangama, P.S- Kadwa, Dist- Katihar
2. Kanak Lal Ray @ Kanak Lal Rai Son Of Gris Lal Ray Resident Of Village- Dhangama, P.S- Kadwa, Dist- Katihar
3. Sithi Ray @ Sithi Rai Son Of Giris Ray Resident Of Village- Dhangama, P.S- Kadwa, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-08-2022 At the very outset, learned counsel for the petitioners seeks permission to withdraw the petition of petitioner no.1, namely, Jiwan Rai @ Jiwan Ray @ Jiwan Lal Rai and petition of petitioner no.2, namely, Kanak Lal Ray @ Kanak Lal Rai.

Permission is accorded.

Accordingly, the petition of petitioner no.1, Jiwan Rai @ Jiwan Ray @ Jiwan Lal Rai and petition of petitioner no.2, namely, Kanak Lal Ray @ Kanak Lal Rai is dismissed as withdrawn.

Heard learned counsel for the petitioner no.3 and learned APP for the State and perused the case diary.



The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

It is a case of assault upon the informant's husband by the petitioner and other accused persons.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case. He further submits that there is no specific allegation against the petitioner of assault and there is general and omnibus allegation against the petitioner no.3.

Learned APP appearing for the State opposed the anticipatory bail and submitted that all the accused persons assaulted upon the informant's husband due to which, he succumbed to injuries. The postmortem report also corroborates this fact. Other witnesses during investigation have supported the case of the prosecution. The postmortem report shows that the injured has sustained several injuries and cause of death was due to said injury.

After considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner no.3, namely, Sithi Lal Ray @ Sithi Rai.

Prayer for anticipatory bail of the petitioner is



rejected.

However, the petitioner no.3 is directed to surrender
before the court below and pray for regular bail.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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