

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56566 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- SITAMARHI District- Sitamarhi

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Mahesh Rai Son Of Jalim Rai R/O Village- Mohanpur, P.S.- Sitamarhi,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-03-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State assisted by learned counsel for the

informant.

The petitioner apprehends his arrest in Sitamarhi
P.S. Case No. 09 of 2022 registered for the offences punishable
under Sections 341, 323, 324, 307, 302 and 379/34 of the Indian
Penal Code pending in the Court of learned C.J.M., Sitamarhi.

As per prosecution case, when the informant and
his brother had gone to Mohanpur Chowk, due to cutting of
SIMAR tree, co-accused Ganesh Rai caught hold his brother
and the petitioner inflicted knife blow upon neck and other parts
of body of his brother causing injury to him and when the
informant tried to save him, he was also assaulted by the
petitioner by means of knife causing injury to him.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. Learned counsel for the petitioner fairly submitted that the petitioner is the main assailant, this fact is also supported by the learned counsel for the informant. He further submits that there is no criminal antecedent against the petitioner as mentioned in para 3 of this application.

Learned APP for the State as well as learned counsel for the informant oppose the bail petition and submit that specific overt act has been attributed against the petitioner. Hence, the petitioner does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the fact that there is incriminating material against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Sitamarhi P.S. Case No. 09 of 2022.

The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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