

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69549 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- RAJAPAKAR District- Vaishali

1. Jai Lal Rai @ Jai Rai @ Jai Dyal Rai S/O Late Lagan Rai Resident Of Village- Baikunthpur, P.S.- Rajapakar, District- Vaishali.
2. Sanoj Rai @ Sanoj Kumar S/O Chandeshwar Rai Resident Of Village- Baikunthpur, P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-05-2023 At the outset, it is submitted that petitioner no. 1, namely, Jai Lal Rai @ Jai Rai @ Jai Dyal Rai has been arrested by the police during the pendency of the present anticipatory bail petition and, as such, present anticipatory bail petition becomes infructuous.

Considering the submission as petitioner no. 1 apprehended during pendency of the present anticipatory bail petition, the prayer of anticipatory bail petition, as regard to petitioner no. 1, namely, Jai Lal Rai @ Jai Rai @ Jai Dyal Rai stands dismissed as withdrawn having become infructuous.

Now the present anticipatory bail petition limited with accused/petitioner no. 2, namely, Sanoj Rai @ Sanoj Kumar.



Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and apprehend his arrest in connection with Rajapakar P.S. Case No. 177 of 2022 registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506 and 36 of the Indian Penal Code (in short 'I.P.C.').

The allegation against this petitioner is to assault informant and others causing head and bodily injuries alongwith other co-accused persons, having intention to cause their death, where occurrence is founded over previous disputes arises out of money transactions.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature, where both parties received injuries and for the same set of occurrence, a case on behalf of petitioner side was also registered as Rajapakar 184 of 2022. It is also pointed out that specific allegation to cause assault is available against Ashok Rai, who is not the petitioner for the present. It is submitted that the final



injury of injured Ashok Rai was kept reserve in want of CT Scan, what he refused to done. While concluding the argument it is pointed out that the allegation against this petitioner is appearing very much general and omnibus, who is also a man of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the occurrence as free fight, where allegation of assault is not available against this petitioner, let the above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 9th Vaishali at Hajipur/concerned Court, where the case is pending in connection with Rajapakar P.S. Case No. 177 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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