

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74921 of 2022

Arising Out of PS. Case No.-392 Year-2022 Thana- MADHAURAH District- Saran

SAHEB RAI S/o Late Shambhu Rai R/v- Awari, P.S.- Morhowrah, District-
Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-05-2023 Heard learned counsel appearing on behalf of the
parties.

The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Morhowrah P.S. Case No. 392 of 2022 registered for the offences punishable under Section 341, 323, 504, 324, 325 and 506 of the Indian Penal Code.

The allegation against petitioner is to assault informant along with other co-accused persons, causing repeated knife injury likely to cause his death, where, occurrence is alleged to be founded out of inimical terms, where, parties are in litigating terms since last 10 years.

It is submitted by learned counsel appearing on behalf of the petitioner that present FIR was lodged with delay of 08



days and as such, it appears that application is false on its face being afterthought. It is submitted that both parties are in litigating term, therefore, false implication of the petitioner cannot be ruled out, where, a criminal case was lodged by this petitioner against the informant as Morhowrah P.S. Case No. 228 of 2011. While travelling the argument, it is pointed out that injuries as alleged was caused by some unknown persons and not by the petitioner and therefore several persons filed application before the authority concerned for fair investigation in this matter, which is Annexure 3 to 5 of the present bail petition. While concluding the argument, it is submitted that petitioner found involved in 02 more criminal cases, where, he is on bail.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that specific allegation to cause repeated blow of knife causing injuries upon non-vital and vital part of the body of the informant is available against this petitioner.

Considering the aforesaid facts and circumstances of the case, as specific allegation to cause repeated blow of knife injuries is available against this petitioner, the prayer of anticipatory bail of petitioner is rejected herewith.



However, if petitioner surrenders and seeks regular bail, his prayer for regular bail shall be considered on its own merits without being prejudiced by this order.

(Chandra Shekhar Jha, J)

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