

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9511 of 2018

Arising Out of PS.Case No. -286 Year- 2017 Thana -RIGA District- SITAMARHI

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Rakesh Rai, Son of Ram Swarath Rai, R/o Village- Anahari, P.S.- Riga,
District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 05-04-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Riga P.S. Case No. 286 of 2017** instituted for the offence under Sections 147, 148, 149, 341, 342, 447, 448, 323, 324, 325, 326, 307, 380, 435, 436, 427, 504, 506 and 120B of the Indian Penal Code.

It is alleged in the written report that on the date of occurrence this petitioner along with other accused persons attacked at the house of the informant and his uncle on the issue of putting Electric Transformer. It is alleged that they set on fire six motorcycles in the house of the informant. It is further alleged that after entering into the house, the accused persons including the petitioner assaulted the informant, his aunt and cousin brother Sanjeet Kumar and took away household articles, ornaments, cash



etc. They also set the house on fire.

Learned counsel for the petitioner has submitted that there is counter case also vide Riga P.S. Case No. 287 of 2017 in which petitioner has sustained gun shot injury for the same date of occurrence. He refers Annexure-3 which is injury report of the petitioner and has submitted that this petitioner was treated in the Hospital at 11:11 a.m. in Sadar Hospital. Therefore, his presence at the place of occurrence cannot be possible as in the instant case it is alleged that occurrence had taken place between 11-12 a.m.

Learned counsel for the informant has appeared and submitted that in paragraphs, 5, 6, 7 and 8 of the case diary, the police has mentioned about different place of occurrence as also different persons sustaining injury. He has further submitted that petitioner was referred to S.K.M.C.H. Higher Centre for further management as appear from Annexure-3. But the injured got his treatment by private Doctor. It has further been submitted that petitioner has given wrong statement in paragraph-3 of the bail petition that petitioner has no criminal antecedent whereas two cases are pending against the petitioner.

Supplementary affidavit has been filed on behalf of the petitioner in which he has admitted that he is accused in Sitamarhi P.S. Case No. 523 of 2010 under Section 414 of the



Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act. He is also accused in Parsauni P.S. Case No. 77 of 2010 under Section 392 of the Indian Penal Code

From the supplementary affidavit it appears that the petitioner is accused in two other cases of serious offence of Arms Act and 392 of the Indian Penal Code. This fact was not mentioned earlier in paragraph-3 of the bail petition.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail which shall be considered by the court below in accordance with law without being prejudiced by this order, if possible on the same day.

(Sanjay Priya, J)

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