

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22893 of 2019

Arising Out of PS. Case No.-160 Year-2016 Thana- TARAIYA District- Saran

Raj Kumar Ray, aged 31 years, Male, about Son of Dwarika Rai Resident of Village-Chainpur, Police Station-Taraiya, District-Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-07-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Taraiya P.S. Case No. 160 OF 2016 corresponding to G.R. No. 4526/2016 registered under Sections 341, 323, 324, 307, 427 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that this case is a counter blast of the counter case filed from the petitioner's side which is Annexure '2' to the present application.

It is submitted that there was a free fight among two groups in which both the parties seems to have



indulged in giving blow to each other by various means. One of the accused of the present F.I.R. Chandrika Rai had died later on. So far as this petitioner is concerned, the allegations against him is that he had given a blow from iron rod on the head of the informant. Learned counsel submits that some of the co-accused in this case have been granted privilege of anticipatory bail by learned coordinate Bench of this court.

On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that petitioner has come to this court after three years from the date of filing of the F.I.R. There is a direct allegation of assault against this petitioner and the injury report corroborates the same. The injury is said to be grievous in nature. It is further submitted that the learned coordinate Bench of this court had granted anticipatory bail to one Lal Babu Rai who is the brother of the petitioner on 15.02.2017 on finding that the injury inflicted by him on one Rajdev Rai was simple in nature and had been caused by hard and blunt substance.

Having heard learned counsel for the petitioner



and learned A.P.P. for the State, this court finds that there is allegation of causing head injury against the petitioner. The injury has been found to be grievous in nature and the petitioner is moving this court after three years. For all these reasons, this court is not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner is rejected and the application is dismissed.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of two weeks from today, the same shall be considered by the court below in accordance with law without being prejudiced by the orders of this court.

(Rajeev Ranjan Prasad, J)

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