

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12359 of 2020

Arising Out of PS. Case No.-256 Year-2019 Thana- PATEPUR District- Vaishali

Shivnath Kumar @ Shivnath Ray S/o Sri Lakhan Ray, Resident of Village-
Lakhanipur, P.O. Mandandih, P.S.- Patepur, Distt- Vaishali.... ... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 10-12-2020 Heard Mr. Pravin Kumar, learned counsel for the

petitioner and Mr. Nitya Nand Tiwary, learned counsel for the

State as well as Mr. Anup Kumar Sinha, learned counsel for the

informant through video conferencing.

In the present case, the petitioner is seeking
anticipatory bail in connection with Patepur P.S. Case No. 256 of
2019 registered for offence under sections 147, 148, 149, 447, 341,
342, 307, 384, 387 of the Indian Penal Code and section 27 of the
Arms Act.

As per FIR, the informant has lodged an FIR before the
Officer Incharge of Patepur Police Station, Vaishali making
allegation that on 08.10.2019 at about 4:30 P.M. Shivnath Rai
(petitioner) came at his house on the Scorpio without number plate
along with 13-14 persons, including 2-3 motor cycle rider, started
indiscriminate firing and dragged his nephew Sanjay Kumar from
the house for taking him. When the resistance was made, they



started firing. When Renu Devi made resistance, she was assaulted by the butt of the pistol. When alarm was raised, all the accused persons succeeded to flee away save and except Shivnath Rai, who was caught by the people of the locality. While fleeing away, the accused persons left three mobile phones and one motor cycle which were also handed to the police and this incident has taken place on account of demand of extortion money from the nephew of the informant. It appears that Shivnath Rai on scuffle received injury and thereafter, he was admitted in hospital but during treatment he fled away from there.

In such view of the matter, this bail application is not maintainable and accordingly it is rejected. However, the Police must take action for arrest of the present petitioner as per procedure prescribed under the law. However, if the petitioner surrenders before the court below and prays for regular bail, the court below without being prejudiced by this order will examine all aspects of the matter and take decision in accordance with law.

(Shivaji Pandey, J)

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