

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16867 of 2020

Arising Out of PS. Case No.-70 Year-2016 Thana- KARTAHA District- Vaishali

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BIPIN RAI @ BINAY KUMAR @ VINAY KUMAR S/o Ambika Rai R/o
village- Gurmia, P.S.- Kartahan, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-08-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 307, 354, 379, 504 and 506 of the Indian
Penal Code.

While the informant was returning from her field
through the land of Ambika Rai then Ambika Rai said that
they have not voted to his nephew and in spite of forbidding
them they are going through their land and abused her. After
hearing this, Shambhu Kumar, son of Ambika Rai caught hold
her hair and shoved her on the ground and she became nude.
When her pattidar came in her rescue Dharmendra Rai, Bipin



Rai (petitioner), Mithilesh Rai and Guddu Kumar all armed with weapons reached there. In the meanwhile, the petitioner holding Hasua in his hand attacked on her head and sustaining injury she fell down and became unconscious. Mithilesh Rai snatched her silver chain from her neck. They also assaulted her pattidar. When the villagers reached the place of occurrence all the accused persons made their good escape.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to land dispute. Both the parties are gotiyas. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is case and counter case between the parties. The injury sustained by the victim is simple in nature. Petitioner has no criminal antecedent.

Learned APP for the State vehemently opposing the bail petition submitted that from perusal of the impugned order, it appears that when the first anticipatory bail application of the petitioner was rejected on 29.10.2016 by the learned Court below, he did not surrender and absconded for 3½ years. Thereafter, he filed second anticipatory bail application, which was also rejected vide impugned order dated 04.02.2020. He



further submitted that there is direct allegation of assaulting the informant against the petitioner. He lastly submitted that in view of the conduct of the petitioner, he does not deserve anticipatory bail.

Considering the facts and circumstances of case and particularly considering the conduct of the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected in connection with Kartahan P.S. Case No. 70 of 2016 pending in the court of learned Additional Chief Judicial Magistrate-V, Vaishali at Hajipur. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J.)

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