

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17514 of 2020**

Arising Out of PS. Case No.-98 Year-2019 Thana- MAHINDWARA District- Sitamarhi

DINESH RAI Son of Late Lalu Resident of Village - Bakharpur, P.S.-
Mahindwara, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 06-11-2020 Heard learned counsel for the petitioner and Mr. Tarun Prasad Mandal, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Mahindwara P.S. Case No. 98/2019 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504, 506 of the Indian Penal Code pending in the court of learned C.J.M. Sitamarhi.

Learned counsel for the petitioner submits that as per the Fardbeyan of the informant a dispute arose on the issue of laying down of the pipe-line for supply of water. In the said dispute between the brother of the informant and one Shiv Bachan Rai, this petitioner was also allegedly present with the co-accused Shiv Bachan Rai and it is alleged that in course of quarrel Shiv Bachan Rai and this petitioner caught hold of the brother of the informant, tied him and started taking him away. It is thus alleged that when the informant objected to the said act of the co-accused Shiv Bachan Rai and this petitioner he was pushed down as a result whereof he also suffered injury. The allegation is that Shiv Bachan Rai and this petitioner took the



brother of the informant to their house and assaulted him.

Learned counsels submits that in the later part of the F.I.R. the allegation of assault has also been made against several other persons alleging that they were lashed with Lathi, Danda and Farsa and at this stage the specific allegation of giving a Farsa blow on the head of the deceased is against the co-accused Shiv Bachan Rai.

Learned counsel submits that this petitioner has been falsely implicated in this case on account of prior enmity as the petitioner is involved in settlement of disputes in the village and on that account the informant has developed grudge against him.

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 in course of investigation the witnesses have come forward to say that this petitioner has actively participated with the co-accused Shiv Bachan Rai in the alleged occurrence and in this connection the statement of the injured Bhikhari Rai as contained in paragraph '11' of the case diary may be looked into. It is submitted that considering the active participation of the petitioner, the gravity of the offence alleged and the severity of the punishment attached with the alleged offence the petitioner does not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case as this Court has noticed that in the F.I.R. there is specific allegation that this petitioner had participated with co-accused Shiv Bachan Rai, tied up the deceased and then took him to their house where it is alleged that both of them had assaulted him, the post-mortem report shows injury on the head and the hand also, considering the gravity of the offence alleged and the materials on record including the statement of the injured



witness, I am not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case, the petitioner surrenders and prays for regular bail within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the order of this Court.

The observation with regard to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

