

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27069 of 2020

Arising Out of PS. Case No.-231 Year-2016 Thana- HAJIPUR SADAR District- Vaishali

NITYA NAND RAY Son of Devnandan Ray Resident of Village- Dighi Kala,
Police Station - Hajipur Sadar in the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Prem Kr. Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-12-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Prem Kumar Jha, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Hajipur Sadar PS case no. 231 of 2016 registered for the offences punishable under Sections 307 and other allied sections of Indian Penal Code.

The case of the prosecution in brief is that the petitioner along with other co-accused persons armed with deadly weapons like swords, pistol, *lathi*, rod etc. had come to the informant on the alleged date and time of occurrence and the petitioner is alleged to have assaulted the informant by sword on



his head causing cut injury. Thereafter, the co-accused person namely Anoj Rai had assaulted the informant with sickle causing injuries to him. The petitioner is also alleged to have assaulted the son of the informant with a sword and thereafter, the accused Mohan Rai had assaulted the nephew of the informant by a sickle on his head and then the accused persons had snatched the money from the informant and others and had then fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that a general and omnibus allegation has been levelled upon the petitioner.

Per contra, the learned APP for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also in the case diary, this Court finds that there are ample materials to show the complicity of the petitioner in the alleged crime and moreover, the informant namely Shiv Balak Rai has received serious injuries, which has been opined to be



grievous in nature by the doctor vide supplementary injury report dated 01.07.2016 and moreover, the petitioner is having bad criminal antecedent, inasmuch as he is an accused in three other criminal cases, hence, I do not find the present case to be a fit case for grant of anticipatory bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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