

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28913 of 2020

Arising Out of PS. Case No.-71 Year-2003 Thana- AURAI District- Muzaffarpur

MANOJ KUMAR RAI @ MANOJ KUMAR Son of Late Tarkeshwar Prasad Rai Resident of Village- Bharthua, Ward no.04, Police Station- Aurai, District- Muzaffarpur, presently residing at M-39, Housing Board, Kherajpur, Ward No.48, Police Station- Darbhanga Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-12-2020 Heard Dr. Amrendra Kumar, learned counsel for the petitioner and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Aurai P.S. Case No. 71 of 2003 registered for the offences punishable under Sections 341, 323, 379, 307 and 504/34 of the Indian Penal Code, 1860.

The allegation as per the First Information Report is that the petitioner along with other co-accused persons assaulted the informant with fists and slaps and robbed cash and golden chain. It has further been alleged that the petitioner fired upon the informant, however, the bullet did not hit anybody.



Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to previous land dispute between the parties. Learned counsel further submits that grandfather of the petitioner and grandfather of the informant including father of co-accused Anil Kumar Rai are full brothers and informant has tried to grab the share of the petitioner and other co-accused persons and in protest being made by them, the present false case has been lodged against the petitioner. Learned counsel also submits that the present informant has filed altogether six cases against the petitioner and other co-sharers being Aurai P.S. Case No. 10 of 2006 registered under Sections 341, 323, 447, 504 and 379/34 of the Indian Penal Code in which Police has submitted final form.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that First Information Report was lodged in 2003 and the anticipatory bail application has been moved by the petitioner after a considerable delay in 2020, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.



However, if the petitioner surrenders and moves for regular bail within four weeks, the learned court below will consider his application for regular bail without being prejudiced by the fact that the present anticipatory bail application has been rejected by this Court.

(Anil Kumar Sinha, J)

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