

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84002 of 2019**

Arising Out of PS. Case No.-529 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

SUNIL RAY @ SUNIL RAI Son of Haresh Ray Resident of Village - Dighi
Kala, P.S.- Hajipur Sadar, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 17-06-2020 Heard the learned counsel for the petitioner, the
learned APP and the learned counsel for the informant.

The matter has been taken up through video
conferencing.

The petitioner apprehends his arrest in Hajipur Sadar
P.S. case No. 529 of 2017 registered under Section 323, 307,
354, 379 and some other Sections of the IPC.

The informant alleged that when he reached near
Ramashish Chowk, Sunil Ray, the petitioner, came across and
asked him to withdraw Hajipur P.S. case No. 270 of 2016 failing
which he would be kidnapped. It is further alleged that Sunil
Ray, Haresh Ray, Sanjay Ray, Anil Ray, Kusmi Devi and
Sulekha Devi came and started abusing and assaulting the
informant. Sunil Ray fired from his pistol which hit on his knee



and the informant fell down on the ground. Other accused persons also assaulted him and tried to put rope around the neck of informant in order to kill him.

The learned counsel for the petitioner submits that petitioner is co-sharer of the informant. There is series of litigation between two sides. One Title Suit No. 668 of 2014 is pending before Sub Judge-VIII, Vaishali at Hajipur. Hajipur P.S. case No. 270 of 2016 was lodged making false allegation and the police did not find involvement of the petitioner in the aforesaid case. The informant got simple injuries, that too on knee, on account of assault made by the petitioner, therefore, the petitioner deserves anticipatory bail.

The learned APP and the learned counsel for the informant opposed the prayer for anticipatory bail.

Of course, the petitioner is cousin of the informant and there is series of litigation between the two sides but from perusal of the FIR it appears that there is specific allegation against the petitioner that he opened fire causing injury on the knee of the informant although the doctor opined the injury to be simple in nature.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail.



Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on merits without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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