

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35466 of 2020

Arising out of PS. Case No.-341 Year-2020 Thana- DIGHA District- Patna

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Dilip Rai, aged about 46 years, Male, S/o Dharamnath Rai @ Loha Singh
Resident of Polson Road, Near - Modern Public School, P.S. - Digha, District
- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-05-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Pramod Kumar Singh, learned counsel for
the petitioner and Mr. Md. Arif, learned Additional Public
Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with
Digha PS Case No. 341 of 2020 dated 30.06.2020, instituted under
Sections 447, 341, 354(B), 323, 325, 307, 504 and 506/34 of the
Indian Penal Code.

4. The allegation against the petitioner and five other
named and 10–15 unknown persons is of assault on the son of the
informant and also of firing on the leg of the informant’s nephew
and assault by iron rod upon the informant causing injury on both
hands and also head injury to one Prince Kumar. Further, against



two other co-accused, it is also of snatching gold chain from the neck of the informant and also of causing disturbance at a community hall where the marriage of the niece of the informant was going on and also of harassing women there.

5. Learned counsel for the petitioner submitted that the parties are neighbours and some altercation took place, but later on the matter has been compromised. It was submitted that other co-accused have been granted anticipatory bail by the court below but because the petitioner has two criminal cases, his prayer was rejected. It was submitted that even otherwise there is no specific allegation of overt act against the petitioner and the same is general and omnibus in nature.

6. Learned APP submitted that the incident did occur as it was captured on CCTV at two different places. It was submitted that the same really shows that the petitioner's side was aggressor and the petitioner has two other cases under serious sections of the Indian Penal Code as also the Arms Act. Learned counsel submitted that as the petitioner has actively participated in the said crime, he does not deserve any indulgence.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.



8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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