

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36177 of 2020

Arising Out of PS. Case No.-569 Year-2019 Thana- CHAPRA TOWN District- Saran

RAHUL KUMAR @ RAHUL RAJ son of CHANDESHWAR RAY Resident of Mohalla- Dahiyawa Dargah, Police Station- Chhapra Town, District Saran at Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A.K.Thakur, Advocate
For the Opposite Party/s:		Mr. Nityanand Rai, APP
For the Informant		Mr. Harsh Anuj, Advocate
		Mr. S.S.Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 12-02-2021 Heard learned counsel for the petitioner and

learned APP for the State. Learned counsel for the petitioner has filed an undertaking to remove all the defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is in custody since 14.05.2020 in connection with Chhapra Town P.S. Case No. 569 of 2019 for the alleged offences under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code and subsequently added Section 302 IPC.

3. It is submitted that the petitioner has been falsely implicated in connection with assault on the persons on the



informant's side. It is submitted that the assault upon Jitendra Kumar is specifically attributed to the petitioner, whereas the accusation of assault upon the deceased Binod Rai is against co-accused Jhagru Rai. It is submitted that there is case and counter case between the parties. Another co-accused Sukhal Ray @ Sukhlal Ray @ Vinod Ray, who is said to have assaulted the informant causing grievous injuries, has been granted bail by this Court on 05.02.2021 in Cr. Misc. No. 37429 of 2020. So also co-accused Wakil Rai @ Dineshwar Rai and Santosh Rai have been granted bail by this Court in Cr.Misc. No. 18877 of 2020. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant opposes the bail petition, submitting that the present FIR has been instituted on 03.10.2019, whereas the counter case has been instituted two days later on 05.10.2019. It is submitted that the petitioner is accused of having assaulted with iron rod near left ear of Jitendra Kumar, which is a vital part of the body and caused grievous injuries and is corroborated by the injury report.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The bail petition stands



dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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