

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37310 of 2020

Arising Out of PS. Case No.-288 Year-2019 Thana- MAHESI District- East Champaran

RAJESH RAI SON OF RAM EKBAL RAY RESIDENT OF
VILL/VIMALPUR, P.S.- MEHAHSI, DISTRICT- EAST CHAMPARAN AT
MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-02-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mehasi P.S. Case No. 288 of 2019 arising out of G.R. Case No.
7523 of 2019 for the offence registered under Sections 323, 379,
307, 504 and 506/34 of the Indian Penal Code.

The allegation is regarding the petitioner and one
other co-accused person namely Rakesh Rai having intercepted
the informant whereafter they had assaulted him by the butt of
pistol resulting in grievous injury being inflicted on his head and
then they had snatched the gold chain from the neck of the
informant.

The learned counsel for the petitioner has submitted



that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 03.01.2020. The learned counsel for the petitioner has further submitted that only on account of bad criminal antecedent, the petitioner has not been granted bail by the learned court below.

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

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the petitioner and taking into account the fact that there is direct allegation against the petitioner of having assaulted the informant and having snatched a gold chain from his neck, apart from the fact that petitioner is having a bad antecedent inasmuch as he is an accused in 15 other criminal cases, I do not find any merit in the present case specially in view of the law laid down by the Hon'ble Apex Court in the case of *Ash Mohammad vs. Shiv Raj Singh @ Lalla Babu & Anr.*; reported in *(2012) 9 SCC 446*. Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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