

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37186 of 2020**

Arising Out of PS. Case No.-122 Year-2020 Thana- PHULWARIYA District- Gopalganj

PRINCE RAI S/o Ravindra Rai R/o Village- Bansibatraha, P.S.- Phulwariya,
District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned senior counsel for the petitioner and Ms. Anita Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Khaira P.S. Case No. 122 of 2020 registered for the offences punishable under Sections 394 of the Indian Penal Code.

As per the prosecution story, the informant who uses his auto to ferry and sell articles in nearby villages, was on his way to home. Two persons on a glamour motorcycle overtook his auto and demanded money on the point of knife. The



informant recognised the accused persons, one of them was the petitioner, and when the informant protested, the petitioner stabbed the informant with knife in his thigh and snatched his mobile phone, pan card and cash Rs. 6,500/-. The informant also hit the petitioner on backside of his head with a tyre liver but the petitioner somehow managed to escape. On hearing noise people gathered there and took the informant to the hospital.

Learned senior counsel for the petitioner submits that it is a case of false implication of the petitioner. The allegation is that of giving a stab injury on the thigh of the informant, however, the informant has himself stated that he had also attacked upon the petitioner by a tyre lever which was kept in his vehicle and that caused an injury on the backside of the head of the petitioner. Learned senior counsel further submits that the petitioner is in custody in connection with this case since 25.05.2020 and in the only case which is there against him, it is stated in paragraph '3' that he is on bail.

Ms. Anita Kumari, learned A.P.P. for the State has, however, opposed the prayer for bail of the petitioner at this stage on the ground that the petitioner has concealed his criminal antecedent in paragraph '3' of the petition. Learned A.P.P. has referred paragraph '60' of the case diary and submits



that the petitioner has at least four cases on his head and in this connection she has read out paragraph '60' of the case diary.

Considering that the petitioner has concealed his criminal antecedent in paragraph '3', this Court would not entertain the present application. This application is therefore dismissed but with liberty to the petitioner to file a fresh application for bail giving complete information of his criminal antecedent.

Let the deponent of this case namely, Amit Kumar Ray (male), aged about 32 years, Son of Shatrudhan Ray, Resident of villalge – Shrinagar Wrd No. 3, P.S. - Muffasil, District - Siwan file a show-cause as to why an appropriate proceeding be not initiated against him for swearing false affidavit before this Court.

List the matter with show-cause after four weeks on 9th August, 2021.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

