

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65848 of 2019

Arising Out of PS. Case No.-560 Year-2018 Thana- FORBESGANJ District- Araria

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MOHAN ROY @ MOHAN KUMAR RAY Son of Ramu Roy Resident of
Village-Rai Tola, Matiyari, P.S.-Forbesganj, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate
		Mr. Ramadhar Shekhar, Advocate
For the Opposite Party/s :		Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 04-10-2021 Heard Mr. Vikram Deo Singh, learned Advocate

for the petitioner and Mr. Md. Matloob Rab, learned APP

for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Forbesganj P.S. Case No. 560

of 2018 dated 23.07.2018 instituted for the offences

under Sections 147, 149, 341, 323, 307, 504 and 506

of the Indian Penal Code.

The prayer for bail of the petitioner was earlier

rejected *vide* order dated 15.03.2019 passed in Cr.

Misc. No. 7366 of 2019. While rejecting the prayer for



bail of the petitioner, the other petitioners were allowed anticipatory bail by the same order. The prayer for bail of the petitioner was rejected on the ground that he was the author of the grievous injury on one of the victims. Later, it was found that there was no such grievous injury which could have been attributed to the petitioner no. 3. The petitioner thereafter again prefer an application for anticipatory bail on the aforesaid ground.

On this, the predecessor Bench, *vide* order dated 22.01.2020 called for the case diary and also directed for no coercive action being taken against the petitioner in the meanwhile.

However, regard being had to the fact that the prayer for anticipatory bail of the petitioner was earlier rejected by a reasoned order, I am not inclined to entertain the present application.

The petition is dismissed.

However, if the petitioner surrenders before the court below and seeks bail, the court below shall take



into account that the prayer for bail of the petitioner was earlier rejected, perhaps on a view which may not be factually correct that the petitioner is the author of a grievous injury and shall take all other grounds raised on behalf of the petitioner and pass orders in accordance with law without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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