

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17243 of 2021**

Arising Out of PS. Case No.-292 Year-2020 Thana- KATEYA District- Gopalganj

Pawan Rai @ Paswan Ray Son Of Late Vikarma Rai Resident Of Village-
Belhidih, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Kant Singh
For the Opposite Party/s :	Mr. Om Prakash Ray
	Mr. Satyendra Rai
	Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 22-06-2022 Heard learned counsel for the petitioner, learned APP
for the State as well as learned counsel for the informant.

The petitioner apprehends his arrest in Kateya P.S.
Case No.292 of 2020, registered for the offences punishable
under Sections 341, 323, 324, 325, 307 and 34 of the Indian
Penal Code.

The petitioner and co-accused, Vishal Rai are said to
have entered into the house of the informant and tried to commit
rape upon the daughter-in-law of the informant. The petitioner
and other co-accused persons are also said to have assaulted the
informant, her husband and her son by means of *farsa* and *daab*.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. There is no eye witness of the occurrence. During
investigation, none has supported the prosecution case. It is



further submitted that there is land dispute between the parties and a title suit is going on between them. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner and submitted that the injuries are grievous in nature.

Taking into consideration the nature of injuries, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, if petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced by this order taking into consideration the fact that a title suit is pending between the parties.

(Anjani Kumar Sharan, J.)

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