

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27648 of 2022

Arising Out of PS. Case No.-90 Year-2017 Thana- PANDARAK District- Patna

Hemant Rai, Son of Raj Kumar Rai Resident of Village - Chamtha Gop Tola,
P.S. - Bachhwara, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Prem Chand Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Pandarak P.S. Case No.90 of 2017 instituted under Sections
147, 148, 149, 364, 302, 201 of the Indian Penal Code.

As per the allegation in the FIR, which was lodged on
13.11.2017 the informant's son had gone to 'Diyara' for feeding
the cattle where it is alleged that at 11.30 AM, 10-12 accused
persons came armed variously which included the petitioner
herein and took the boy away. On objection, it is alleged that
this petitioner assaulted by butt of gun. As the informant had no
knowledge of the where-about of his son, this FIR was lodged.

Learned counsel for the petitioner submits that only



allegation against him is that he was part of the mob that took the boy away as also allegation of assault by butt of gun.

Learned counsel for the petitioner submits that not only there is direct allegation against him of assaulting and taking away the boy who never returned to home and it appears he has been killed, he evaded arrest for five long years and further contrary to the statement made in para-3 of the bail application, actually he has fourteen criminal cases under his belt.

Let the piece of paper showing criminal antecedent of the petitioner provided by learned counsel for the informant, Mr. Prem Chand Yadav is kept on record.

Taking into account the aforesaid facts that the petitioner evaded arrest for five long years and has made a false statement in para-3 of the bail application, this Court is not inclined to grant him privilege of bail, which is accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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