

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64026 of 2021

Arising Out of PS. Case No.-441 Year-2019 Thana- GORAUL District- Vaishali

Mintu Rai @ Praveen Kumar @ Pravin Kumar, Son of Late Satyanarayan Rai
Resident of Village - Mansurpur Halaiya, P.S. - Goraul (Katahara- O.P.),
District - Vaishali at Hajipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Anish Chandra, Advocate
For the Informant	:	Mr. Manish Chandra Gandhi, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-05-2022 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 counsel for the petitioner, learned counsel for the informant and learned Mr. Akhileshwar Dayal, A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Goraul (Katahara O.P.) P.S. Case No. 441 of 2019 registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 354, 379, 504 and 506 of the Indian Penal Code. He is in custody since 06.09.2021 having one criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that as per the First Information Report this petitioner and one Shambhu



Ray both were lashed with Farsa, the allegation of carrying iron rod is against co-accused Dhokhan Ray. It is submitted that in the later part of the F.I.R. it is alleged that this petitioner caught hold of the informant by her hair, pulled her down and then assaulted her by sitting over her chest and giving blows on head by iron rod. The allegation of assault is also against the other co-accused. It is alleged that Shambhu Ray had ordered this petitioner to kill the informant and against Shambhu Ray the allegation of assault is also there who is said to have assaulted Rukmini Devi who had come to save the informant.

Learned counsel for the petitioner submits that both the parties are co-sharers, they seem to have fought over some petty issues and there is a counter version of the case also in which the informant Ankit Ray has alleged that the petitioner's side of this case had assaulted him and others.

It is further submitted that co-accused Shambhu Ray has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court.

On the other hand, learned counsel for the informant submits that a reading of the First Information Report would show that this petitioner has not only acted indecently with the informant who is a lady but has also caused repeated injuries to



her and the injury report of the informant shows that she suffered at least two grievous injuries.

It is further submitted that the co-accused Shambhu Ray has been granted though privilege of anticipatory bail but the allegation against the petitioner is very specific and the same gets corroborated with the injury report of the informant.

It is further submitted that even though in the first part of the F.I.R. it is alleged that the petitioner was having a Farsa but the other accused were carrying iron rod and because the petitioner had given assault to the informant by an iron rod, therefore, the informant has correctly stated that she was assaulted by iron rod. It is pointed out that this petitioner is a convict in G.R. No. 3996/2011, T.R. No. 554/2017 which fact is duly mentioned in the impugned order of the learned Additional District & Sessions Judge – V, Vaishali at Hajipur.

Learned A.P.P. for the State has also opposed the prayer for regular bail of the petitioner.

Considering that the fact mentioned in the impugned order that this petitioner is a convict has not been controverted and in paragraph '3' of the petition rather an attempt has been made to suppress this fact by mentioning that the petitioner has one more criminal antecedent and after giving the case number



it is pointed out that he is bailed out in the said case.

In the opinion of this Court, paragraph '3' has been couched in such away that the court may be misled to take an impression that the case is still pending whereas the fact is that the petitioner is a convict and the specific allegation against him is that of causing grievous injuries upon the informant, in the circumstances, this Court is not inclined to release the petitioner on bail.

The prayer for bail of the petitioner is, thus, refused.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

