

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41030 of 2023

Arising Out of PS. Case No.-421 Year-2022 Thana- BALIYA District- Begusarai

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Rajeev Ray @ Rajeev Kumar Ray @ Rajeev S/O Late Ram Badan Ray R/O
Village- Ward No. 12, Harpur, P.O- Harpur, P.S- Barauni, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 341, 323, 504, 427, 506, 307 & 34 of the I.P.C.

3. As per the prosecution case, the informant was going for reporting in connection with a theft committed in a petrol pump. In the meantime, the accused persons on a Scorpio tried to dashed the informant. As a result of which, the motorcycle of the informant got damaged and the informant fell down on earth. Thereafter, the informant saw that two persons were assaulting with *danda*. Out of two persons, one was an accused of Ballia P.S. Case No. 411 of 2022, namely, the petitioner alongwith one other accused person aged about 35

years. The accused persons also threatened the informant to kill him, if the informant interferes in the land's business of the accused persons.

4. Learned counsel for the petitioner submits that from the contents of the F.I.R., it is crystal clear that at worst, offence is made out under Section 323 of the I.P.C. and no other offence is made out which is bailable in nature. Counsel further submits that there is an allegation of abusing for which maximum sentence under Section 506 of the I.P.C. is one year, which is bailable in nature. Counsel further submits that the only thing which is against the petitioner that he has five criminal antecedents, in which he is on bail in some cases and in some cases he is persuading for bail.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that at the time of cancellation of bail application, the criminal antecedent of the petitioner may be taken into consideration.

6. In the present facts and circumstances and considering the nature of allegation levelled against the petitioner, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Ballia P.S. Case No. 421 of 2022, dated 27.12.2022 to the satisfaction of

learned Chief Judicial Magistrate, Begusarai but liberty is hereby granted that if he shall surrender within six weeks from the date of passing order, the Court shall consider his regular bail on merit as specified in the F.I.R. only and without prejudice from the rejection made by this Court shall pass order on the basis of the ingredients available in the F.I.R. only on the same day, he shall be released.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Dr. Anshuman, J.)

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