

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58970 of 2023

Arising Out of PS. Case No.-211 Year-2017 Thana- GOPALPUR District- Patna

-
1. Vrij Ray @ Brij Rai, son of Late Laxmi Rai, resident of Village- Bairya, P.S.- Gopalpur, Dist- Patna
 2. Dhanraj Kumar @ Dhanraj Ray, son of Vrij Ray @ Brij Rai, resident of Village- Bairya, P.S.- Gopalpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Birendra Kumar with Mr. Chandra Bhushan, Advocates

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 At the outset, learned counsel for the petitioners submits that during the pendency of the present bail application, the petitioner no.1, namely, Vrij Ray @ Brij Rai, has been arrested and, as such, he is not pressing the bail application on behalf of petitioner no.1.

2. Heard Mr. Bimal Kumar, learned counsel appearing on behalf of the petitioner, learned APP for the State and Mr. Birendra Kumar, learned counsel for the informant.

3. The petitioner no.2, namely, Dhanraj Kumar @ Dhanraj Ray, is apprehending his arrest in connection with Gopalpur P.S. Case No. 211 of 2017 registered for the offences punishable under Sections 341, 323, 504, 506, 436/34 of the



Indian Penal Code.

4. The allegation against the petitioner is to set the house of the informant on fire, apart from abusing and assaulting.

5. Learned counsel appearing on behalf of the petitioner submits that the allegation is in two part, firstly, the allegation of assault has been levelled against other co-accused persons, wherein the petitioner was not even named. Later on, it has been alleged that in the night, the petitioner and other co-accused persons came there and set the house of the informant on fire and also abused and assaulted, this, prima facie, makes the case doubtful. It further appears from the F.I.R. that earlier also the informant had filed a criminal case against petitioner no.1, giving rise to Gopalpur P.S. Case No. 82 of 2006 (S.T. No. 41 of 2008), which is going on and the present F.I.R. has also been instituted to wreak vengeance and teach lesson to all the family members only in order to put pressure. He next submits that so far petitioner no.2 is concerned, he is absolutely fair antecedent.

6. On the other hand, learned APP for the State as well as informant oppose the bail application and submit that the F.I.R. has been instituted in the yer 2017 and the present



anticipatory bail application has been filed after a delay of six years, though the police after investigation found the case to be true and submitted charge-sheet.

7. Considering the fact that the F.I.R. was instituted way back in the year 2017 and the petitioner is evading the law, the Court is not persuaded to enlarge the petitioner no.2 on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail is rejected.

8. It is needless to observe that if the petitioner no.2 surrenders before the court below within a period of four weeks from today, the learned court below shall consider the same expeditiously, without being prejudiced by the order of this Court.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

