

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4707 of 2024

Arising Out of PS. Case No.-620 Year-2020 Thana- KATIHAR NAGAR District- Katihar

Kishan Rai @ Kishan Kumar Rai Son of Bijay Rai R/o Teja Tola, Kali Bari,
P.S. - Katihar, (Sahayak), Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-02-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Katihar Nagar (Sahayak) P.S. Case No. 620 of 2020 dated 27-11-2020 registered under Sections 307, 323, 324, 341, 379, 504 / 34 of the I.P.C.

3. As per the prosecution case, in the night of 26.11.2020 the informant was returning home after collecting cash, in the meanwhile, all the accused persons named in the F.I.R. assaulted him with arms in their hands and snatched cash Rs. 25000/- from the informant. It has been alleged that during the occurrence the co-accused / Bijay Rai assaulted the informant on his head by means of sword.

4. Learned counsel for the petitioner submits that allegation against the petitioner and others is general and omnibus in nature and there is no specific allegation of assault against this



petitioner. The specific allegation of assault by means of sword is against the co-accused: Bijay Rai, who has been granted regular bail by this Court.

5. I have heard learned counsel for the parties and perused the materials on record. From perusal of the order passed by the learned Sessions Judge, Katihar it appears that petitioner had approached for anticipatory bail before the Sessions Court very late and that too after completion of investigation and submission of charge sheet. Cognizance has also been taken against the petitioner and others under Section 307 of the I.P.C.

6. In view of the fact that charge sheet has been submitted and cognizance has been taken, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail is rejected.

8. However, if the petitioner surrenders before the trial court within a period of 15 days from today and seeks regular bail, the trial court may consider the same on its own merit without being prejudiced by the fact that anticipatory bail petition has been rejected by this Court.

(Anil Kumar Sinha, J)

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