

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12055 of 2025

Arising Out of PS. Case No.-17 Year-2009 Thana- MOTIHARI MUFASIL District- East
Champanan

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Vinay Rai S/O Nandu Ray Resident of village - Bairiya, P.s- Mufasil, District-
East Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-05-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Muffasil P.S. Case No. 17 of 2009 instituted under Sections 147, 148, 149, 447, 323, 324, 307, 504 of the Indian Penal Code lodged on 06.02.2009 by the informant, Vishwanath Pd. Rai.

3. As per the prosecution story, the informant, an injured gave the statement at Sadar Hospital, Motihari that the accused persons armed variously came to the place and on the order of Haribansh Rai, Vijay Rai gave Farsa blow Ranjaj Rai on the head causing injury. The informant tried to save, Vijay Rai gave Farsa blow to him. He tried to save himself which led to injury on his right hand. Further, Haribansh Rai gave Farsa



blow to Raju Kumar on the head but actually injury caused on the hand, the allegation of assault is on other accused also. Further, the allegation is against Haribansh Rai and Ram Chandra Rai of assaulting Ravi Kumar. This led to the FIR.

4. Learned counsel for the petitioner submits that he has absolutely no role to play in the matter, earlier, the Police submitted final form against him but in the year 2011, cognizance was taken. He never came to know about the said cognizance order which led to delay in coming to the Court. The main role is on Haribansh Rai and Ram Chandra Rai.

5. Learned APP opposes the prayer submitting that there is inordinate delay in coming to the Court inasmuch as the FIR is of the year 2009, cognizance took place in the year 2011 but 14 years later, the present petition.

6. Though, the contention of the petitioner is correct that the main allegation is against Vijay Rai, Ram Chandra Rai and Haribansh Rai, omnibus allegation is against other accused persons including the petitioner, earlier final for was submitted against him, delay in filing the anticipatory bail is prohibiting this Court in granting relief.

7. The anticipatory bail application accordingly stands rejected. However, if the petitioner surrenders and seek bail, the



Court concerned shall take into account the aforesaid observation made by the Court while passing the order preferably on the same day.

(Rajiv Roy, J)

Ravi/-

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