

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41709 of 2016

Arising Out of PS.Case No. -91 Year- 2015 Thana -BHELDI District- SARAN

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1. Nagendra Rai Son of Late Dharamnath Rai Resident of village -
Shobhepur Bajar, Police Station Bheldi, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Roy

For the Opposite Party/s : Mr. Smt.Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

2 05-10-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 341, 323, 307, 379, 504/34 and 302 of
the I.P.C

Allegedly, on 07.06.2015 the petitioner came in
drunken condition and abused the informant and his wife but the
neighbors came and intervened into the matter. Again on
08.06.2015 at about 3 A.M. the petitioner and his wife came
armed with Labda and bamboo and assaulted on the head of the
informant due to which he sustained injury on his head. After
hearing hulla his brother Lalan Rai came to save him and then the
accused persons assaulted him by Labda and bamboo due to which

he also sustained injury and during treatment Lalan Rai died. The petitioner is the full brother of the informant and the deceased.

Submission is of false implication and that due to partition dispute some quarrel took place and Lalan Rai fell down resulting he sustained injury, no injury has been found on the person of the informant and as such the petitioner deserves sympathetic consideration as co-accused Prabha Devi @ Prabhawati Devi, on the similar allegation, has been allowed bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 7931 of 2016.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner was armed with Labda and he has assaulted Lalan Rai causing his death, whereas, Prabha Devi was armed with bamboo but she being the lady has been allowed bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Bheldi P.S. Case No. 91 of 2015/ G.R. No. 3016 of 2015 pending in the court of Sri Vivek Rai, J.M. 1st Class, Saran.

However, let the trial be expedited and concluded as early as possible preferably within a period of nine months from

the date of receipt/production of a copy of this order, failing which
the petitioner will be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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