IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27561 of 2017

Arising Out of PS.Case No. -154 Year- 2016 Thana -PAROO District- MUZAFFARPUR

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1. Ajay Rai, Son of Ganesh Rai, resident of Village- Mahmadpur, P.S.- Paroo, District- Muzaffarpur. .... Petitioner/s

Versus

1. The State of Bihar. .... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Man Mohan Kumar
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 16.01.2017 in connection with Paroo P.S. Case No. 154 of 2016 corresponding to S.T. No. 295 of 2016 for offences punishable under Sections 147, 148, 149, 341, 323, 324, 447, 504, 506, 307 and 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, Prabhawati Devi is that there was dispute between both the parties regarding proceeds of Sheesham tree and soon thereafter, the petitioner along with other co-accused variously armed with *Lathi*, sword, *Farsa* and iron rod started assaulting the informant and other family members. On the sword blow, given by the petitioner, on the husband of the informant, namely Vinod Rai, he sustained injury on the neck and while taking him to the hospital for treatment, he succumbed to the injuries.

It has been submitted by the learned counsel for the

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petitioner that he is innocent, and has been falsely implicated in this case. He submits that allegation is general and omnibus and the witnesses have not supported the same. He further submits that co-accused Ganesh Rai and Sanjay Rai have been granted privilege of bail by this Court and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the informant is an eye witness to the alleged occurrence, who has seen the petitioner inflicting sword blow on her husband and the post-mortem report also suggests injury on the neck, hence, opposes the prayer for bail

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner and accordingly, his such prayer stands rejected in connection with Paroo P.S. Case No. 154 of 2016, Sessions Trial No. 295 of 2016 pending in the Court of learned Sessions Judge, Muzaffarpur.

(Nilu Agrawal, J)

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