

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16446 of 2019**

Arising Out of PS. Case No.-242 Year-2015 Thana- GARKHA District- Saran

MAHESH RAI, aged about 40 years, Gender-Male, Son of Biju Rai, Resident of Village - Rampur Badka Bathani, P.S.- Garkha, District – Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Ravindra Kumar Singh, Advocate.  
For the Opposite Party : Mr.Abhay Kumar Roy, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      24-07-2019                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner is languishing in custody since 12.07.2018 in a case for the offence registered under Sections 302/34 of the IPC.

The prosecution story, in brief, is that on the date and time of occurrence, the accused persons were quarrelling with each other, in the meantime, the brother of the informant, namely, Lagan Rai, intervened in the scuffle and tried to pacify the matter. On which, all the three accused persons brutally assaulted him by Lathi, back portion of Spade through which he sustained serious injury on his head, chest and other portion and blood was oozing from his head and nose and mouth. The injured was taken to PHC Garkha for treatment and from there



he was referred to Sadar Hospital, Chapra, and from there he was taken to PMCH, Patna and there during the course of treatment, he died.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner. Neither any specific overt act is alleged against the petitioner nor any specific injury is attributed against the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-X, Saran, in connection with Garkha P.S. Case No. 242 of 2015.

**(Sudhir Singh, J)**

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