

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21621 of 2019**

Arising Out of PS. Case No.-448 Year-2018 Thana- SAKRA District- Muzaffarpur

HARINARAYAN RAI, (Male), aged about 60 years, Son of Late Babulal Rai,  
Resident of Village - Dharanpur Sweths, P.S.- Sakri, Distt - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                        |   |                                                                      |
|------------------------|---|----------------------------------------------------------------------|
| For the Petitioner     | : | M/S. Raju Kumar Goswami, Pradhan Murli<br>Manohar Prasad, Advocates. |
| For the Opposite Party | : | Mr. Ramchandra Sahni, A.P.P.                                         |
| For the Informant      | : | Mr. Sunil Kumar, Advocate.                                           |

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

3      16-08-2019                      Learned counsel for the petitioner is permitted to  
make necessary correction in paragraph no. 15 of the bail  
application, in course of the day.

Heard learned counsel for the petitioner, learned  
counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in custody since  
31.10.2018 in a case for the offence registered under Sections  
302/34 of the IPC.

The prosecution story, in brief, is that on 12.10.2018  
at 7.00 P.M. in the evening, the informant was at his house. In  
the meantime, his villagers Ravindra Rai and Dharmendra Rai  
came to his house and took his son Rahul Kumar. When his son  
did not return, he and his family members went to the house of



Ravindra Rai and Dharmendra Rai where he saw that the petitioner, F.I.R. named accused persons and 2-3 unknown were assaulting with Iron rod. Ravindra Rai and Dharmendra Rai assaulted with Iron rod and other accused persons assaulted with Lathi and Danda. When he raised objection, Ravindra Rai said that on the way, his son Rahul Kumar told unparliamentary language to his daughter and returned back to him by giving threat. Thereafter, the informant and local villagers went to the Sarpanch and also went there with some persons then he came to know that the police took his son Rahul Kumar to Medical College. On 13.10.2018 in the morning, the informant came to know that his son Rahul Kumar died due to assault made by the accused persons.

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 of assault is alleged against the petitioner and four other co-accused persons. There are only three external injuries on the body of the deceased. Weapons used in the occurrence is said to be Lathi



and Iron rod. The alleged occurrence is said to have taken place at 9.00 P.M. in the night. Source of identification has not been disclosed by the prosecution. Other co-accused has been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 19435 of 2019 under order dated 01.04.2019.

On behalf of the learned counsels for the State and the informant, 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 Sub Judge-13-cum-Additional Chief Judicial Magistrate-IV, Muzaffarpur, in connection with Sakra P.S. Case No. 448 of 2018.

**(Sudhir Singh, J)**

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