

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43931 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

1. Bindeshwar Rai @ Binda Rai Son of Domi Rai Resident of Village-Jahangirpur, P.S.-Ahiyapur, District-Muzaffarpur.
2. Jagarnath Rai Son of Rudal Rai Resident of Village-Jahangirpur, P.S.-Ahiyapur, District-Muzaffarpur.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Firoz Raza, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 16-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 304/34 of the Indian Penal Code.

Petitioner Bindeshwar Rai is said to have taken the husband of the informant to his field on 01.01.2019 at around 5 PM but her husband did not regress to the house till night and when the informant and her family members went to the house of Bindeshwar Rai in search of her husband, he divulged them that her husband has left the place. On the way a child divulged them that the petitioners along with their family



members assaulted her husband and police had rushed her husband to the hospital. On the said information, informant arrived at SKMCH Hospital where her husband divulged that appellants and his family members assaulted him by means of lathi inflicting head injury to him.

The petitioner are quite innocent and have been falsely implicated in this case. As a matter of fact deceased had intruded into the house of petitioner Bindeshwar Rai and tried to outrage the modesty of his daughter and on hulla made by his wife, villagers rushed there and assaulted him. Thereafter the police was called and the police took the deceased in custody and rushed him to the hospital where he succumbed to injury and in order to save skin from the said case, the informant has lodged this false and frivolous case against them.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the petitioners taking the deceased from his house assaulted him along with his family members resultantly he succumbed to injury in the hospital. The deceased also divulged the complicity of the petitioners and other family members in the occurrence to the informant in the hospital. Hence, the petitioners do not deserve bail.

Considering the facts and circumstances of case, I



am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

Accordingly, this application is disposed of.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

