

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20081 of 2020**

Arising Out of PS. Case No.-501 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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BALLU RAI @ BULLU RAI @ VIVEK KUMAR Son of Mahendra Rai
Resident of Village - Fatehpur, P.S.- Kanti, District Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava, Advocate
For the Informant	:	Mrs. Bela Singh, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

6 19-10-2020 Heard learned counsel for the petitioner and learned APP for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the Stamp Reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The petitioner is in custody since 27.11.2019 in connection with Muzaffarpur, Bhagwanpur Sadar P.S. Case No. 501/2019 for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated and the accusation of assault with fists and slaps is general and omnibus in nature without any specific injury attributed to the petitioner. It is submitted that the deceased was a 70 year old man and had fallen down during the minor scuffle which led to his death. It is submitted that there was neither any



intention nor knowledge on the part of the petitioner to attract the provisions of Section 302 IPC. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant appear and have been heard. Reference has been made to paras 26, 27 and 28 of the case diary to submit that the accused persons including the petitioner have committed assault repeatedly until death occurred. The post mortem report recorded in para 68 of the case diary discloses two abrasions and a lacerated wound on the head sustained from hard and blunt substance. The deceased is said to have died due to such injuries.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The petition stands dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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