

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25064 of 2020

Arising Out of PS. Case No.-343 Year-2019 Thana- UDAKISHUNGANJ District-
Madhepura

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RANDHIR RAI, aged about 52 years (M), Son of Late Satya Narayan Rai,
Resident of Village Barahi, Ward No.13, P.S. Udakishunganj, District
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 19-10-2020 Heard Mr. Sharda Nand Mishra, learned counsel for

the petitioner and Mr. B.N. Pandey, learned Additional P.P.

through video conferencing.

The petitioner seeks bail in Udakishunganj P.S. Case
No.343 of 2019, registered under Sections 341, 323, 504, 307
and 34 of the Indian Penal Code. Later on Section 302 of the
Indian Penal Code, Sections 25(1-B)a, 26 of the Arms Act and
Section 37(b) (c) of the Bihar Prohibition and Excise Act were
added.

The informant, Chandan Kumar disclosed that horse
of the petitioner was grazing paddy of the informant. His mother
and maternal grandmother forbade the petitioner, on such, the
petitioner assaulted the mother and maternal grandmother of the



informant. Maternal grandmother of the informant died. It is further alleged that when the villagers came, the petitioner fled away but the villagers apprehended him and from his possession arms and ammunition were recovered.

Learned counsel for the petitioner submits that there is counter versing being Udakishunganj P.S. Case No.344 of 2019. The informant and others brutally assaulted the petitioner. The petitioner got grievous injury. It is further submitted that the maternal grandmother of the informant died her natural death but the petitioner has falsely been implicated in the case by the informant to save his own skin. It is further submitted that from perusal of the postmortem report, it would appear that the deceased Rampuria Devi did not receive any external or internal injury. Even the doctor, who held postmortem, could not ascertain the cause of death of the deceased, Rampuria Devi and, therefore, her viscera was kept reserved. It is submitted that from perusal of the postmortem report itself, it is apparent that Rampuria Devi was not killed on account of any assault made on her, but she died natural death.

The learned Additional P.P. opposed the prayer for bail.

Having regard to the facts that of course the petitioner



is alleged to have assaulted the maternal grandmother of the informant and mother of the informant, but from perusal of the postmortem report, it appears that the deceased, who was maternal grandmother of the informant, did not receive any external or internal injury and the doctor could not ascertain the cause of death of the deceased and, therefore, her viscera was kept reserved, petitioner, namely, Randhir Rai is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Madhepura in connection with Udakishunganj P.S. Case No.343 of 2019.

(Prabhat Kumar Jha, J)

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