

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13744 of 2021**

Arising Out of PS. Case No.-92 Year-2020 Thana- RASULPUR District- Saran

Raj Kishore Pandey, Son of Bishwanath Pandey, Resident of Village - Balaya  
(Kothi Devpura), P.S.- Rasulpur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gopal Govind Mishra, Advocate  
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

5      24-09-2021                      The matter has been taken up today for  
consideration through video conferencing.

Heard learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks bail in connection with  
Rasulpur P.S. Case No.92 of 2020 (Excise Trial No.845 of  
2020) registered for the offence punishable under Sections  
341, 504, 324 and 302 of the Indian Penal Code and Section  
37(b)(c) of the Bihar Prohibition and Excise Act, which is  
pending in the court of learned 2<sup>nd</sup> Additional Sessions  
Judge-cum-Special Judge, Excise, Saran at Chapra.

The petitioner is accused of inflicting a stab  
injury on the informant's stomach. The assailant is said to be  
nephew of the informant and the allegation is that the



assault has been inflicted in an inebriated condition by the petitioner.

Petitioner's Counsel submits that from 17.08.2020 i.e., the date of occurrence as well as lodging of the FIR, till 01.09.2020, the victim was treated at Rajeshwar Hospital and thereafter he has been cremated. There is no post-mortem report to sustain the allegation of the victim being done to death by the petitioner. Petitioner has been in custody since 18.08.2020.

Having gone through the case diary, learned APP has assisted the Court. It is submitted that in the investigation, treatment of the petitioner at Rajeshwar Hospital has been verified from which it emerges that the informant was treated for the injury at the Rajeshwar Hospital and died as a result thereof. The informant is the eye-witness to the occurrence. He has suffered the assault and subsequently died as a result thereof. Other persons have also witnessed the occurrence. The assailant is said to be having criminal antecedents.

Considering the rival submissions as also the facts and circumstances of this case, this Court for the purposes of grant of bail is inclined to accept the



submissions advanced by the learned APP. Prayer for bail is rejected, for the present.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

PNM

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