

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23169 of 2021

Arising Out of PS. Case No.-243 Year-2019 Thana- BELA District- Sitamarhi

LAXMAN RAI Son of Dasrath Rai Resident of Village - Chandi Rajwara,
P.S. - Bela, Distt. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Advocate Ms.Preety Kunwar, Advocate Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP
For the Informant	:	Mr.Birendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-10-2021 Heard the parties.

The petitioner seeks bail in connection with Bela P.S. Case No.243/219, registered for the offence punishable under Sections 341, 342, 147, 148, 149, 323 and 302 of the Indian Penal Code.

The prosecution case in short is that on 16.11.2019, informant along with his brother and family members were going to village, but in the way, all 14 named accused including petitioner surrounded the informant and his family members and started abusing. On protest made by them petitioner and three accused persons assaulted the informant's brother by means of iron rod, palo and lathi on head and body, due to which he fell down. Then the accused persons also assaulted the informant and his family members due to which they received injury. Thereafter



all accused fled away. Thereafter the informant's brother was brought to the hospital and was referred to another hospital but on way he died.

It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case at the instance of his enemies by informant. No such occurrence has taken place as alleged in the FIR. There is no specific allegation of assault upon the petitioner rather there is general and omnibus allegation. The post mortem report suggests that that there was only one injury on the head of the deceased. The petitioner has no criminal antecedent and has been languishing in custody since 18.12.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sitamarhi, in connection with Bela P.S. Case No.243/219.

(Anjani Kumar Sharan, J)

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