

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30320 of 2021

Arising Out of PS. Case No.-268 Year-2020 Thana- BAHERI District- Darbhanga

1. Satish Rai Son of Late Agra Nath Rai Resident of Mohalla - Bithauli, P.S.- Baheri, Distt.- Darbhanga.
2. Suresh Rai Son of Late Agra Nath Rai Resident of Mohalla - Bithauli, P.S.- Baheri, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh Mr. Kedar Jha
For the Informant	:	Mr. Prem Kumar Jha Mr. Rajesh Kumar Jha
For the Opposite Party/s	:	Mr. S.M. Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 25-11-2021 Heard learned counsel for the petitioners and learned
A.P.P for the State.

The petitioners seek bail in Baheri P.S. Case No. 268 of 2020, registered for the offence punishable under Sections 307, 323 and other allied sections of the Indian Penal Code.

As per the prosecution case, all the FIR named accused persons including these petitioners having arm came at the house of informant started abusing and they all caught hold of informant's uncle Phool Kant Rai and petitioner no. 1 inflicted *Tengari* blow on his head causing cut injury. Thereafter petitioner no. 2 inflicted Spear blow on Phool Kant Rai due to



which he fell down. When his son Avinash Rai came to save him petitioner no. 1 inflicted *Tengari* blow on his head causing head injury and thereafter rest co-accused inflicted knife blow on the person of Avinash Rai and petitioner no. 2 inflicted Spear blow on the chest of Avinash Rai. Both the injured were taken to hospital from where they were referred to DMCH where Avinash Rai was declared dead.

It is submitted on behalf of the petitioners that there is general and omnibus allegation. Postmortem report does not support the prosecution version. The doctor has opined that death of victim has occurred much prior to the alleged time of occurrence as mentioned in the FIR. No corresponding injury has been found on the person of deceased as well as other injured persons. Moreover, there is land dispute between the parties. Petitioner no. 1 is in custody since 22.11.2020 and petitioner no. 2 since 26.11.2020.

Counsel for the informant however, vehemently opposed the prayer for bail and submitted that there is specific and direct allegation against both the petitioners of causing injury as a result of which Avinash Rai died and Phool Kant Rai sustained serious injury on the vital part of body.

Considering the facts aforesaid and the nature of



accusation, I am not inclined to enlarge the petitioners above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

vinita/-

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