

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29792 of 2020

Arising Out of PS. Case No.-569 Year-2019 Thana- CHAPRA TOWN District- Saran

JHAGRU RAI @ BIDHAN CHAND RAI S/O Jagu Rai @ Sakaldev Rai R/o
Mohalla - Dahiyawan Dargah, P.S. - Chapra Town, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mrs. Rina Sinha, Advocate
For the State : Mr. N.N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-01-2021 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner seeks bail in Chapra Town P.S. case No.569 of 2019 registered under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code, pending in the court of C.J.M., Saran at Chapra. Later on, Section 302 of I.P.C. has been added.

Allegation against the petitioner is that he assaulted the son of the informant, namely, Binod Rai by means of iron rod, as a result of which he sustained head injury and fell down. Other accused persons also assaulted him by means of iron rod and khanti. Later on, in course of treatment Binod Rai died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.01.2020 and has got no



criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Due to parking of tractor, an altercation is said to have taken place in spur of moment. Single iron blow is said to have given by the petitioner to the deceased. No repetition of blow is made by the petitioner. At best, it is a case for an offence under Section 304 Part II I.P.C.

On behalf of the State and counsel for the informant, it is submitted that the petitioner is named in the F.I.R. There is specific allegation against the petitioner for assaulting the deceased with iron rod.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected.

The Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Narendra/-

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