

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.35297 of 2020

Arising Out of PS. Case No.-126 Year-2020 Thana- BACHHWARA District- Begusarai

SUKHDEO RAI, S/O Jaylal Rai, R/O Kurmi Tola, Patpur, Chamtha -2, Ward
No. -10, P.S. - Bachhwara, District – Begusarai ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Kumar Verma, Adv.

For the Opposite Party : Mr. Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 06-04-2021

As prayed for, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 15.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Bachwara P.S. Case No. 126 of 2020, registered under Sections 147, 148, 149, 323, 302, 324, 506 and 504 of the Indian Penal Code.

The accusation is that Bindeshwari Rai, brother of the informant, Awadhesh Rai, was returning to house, in the way 14 persons, named in the first information report, including the petitioner, and five unknown, surrounded him and started to cause assault. At that time, on the order of Mahesh Chandra Rai, Rakesh gave axe blow at the head of Bindeshwari Rai, brother of the informant. When Sanjay Rai, nephew of the informant, reached there, then, he was also assaulted. Bindeshwari Rai, brother of the informant, died in the way of hospital.



Submission is that it would appear from the post mortem report with only one injury in nature of incised looking lacerated wound 5” x 3” x bone deep over left fronto-parietal area was found over the dead body of the deceased, Bindeshwari Rai, which is attributed against Rakesh while it is alleged that all the named accused caused injury to deceased, but, no other injury was found. In fact, due to land dispute petitioner and other have been implicated in this case with false allegation and the petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bachwara P.S. Case No. 126 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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