

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36110 of 2020

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

LAGANDEO RAI@LALDEO RAI, Son of Jaylal Rai @ Jaymala Rai R/o
Village-Kurmi Tola, Patpur, Chamtha, Ward No. 10, P.S.-Bachhwara, District-
Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 25-05-2021 Heard Mr. Alok Kumar Alok, learned counsel for

the petitioner; Mr. Shashi Kant Amar, learned counsel

for the informant; and Mr. Ram Priya Sharan Singh,

learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Bachhwara P. S. Case No. 126

of 2020, instituted for the offences under Sections 147,

148, 149, 323, 324, 302, 506 and 504 of the Indian

Penal Code.

The accusation in the F.I.R. is that an

occurrence took place at the time of measurement of



land at the instance of the informant.

It has been alleged in the F.I.R. that when the informant stepped into the land of one Mahesh Chandra Rai at the time of measurement, Mahesh Chandra Rai is said to have abused the informant and also threatened him of dire consequences. The measurement could not be done. In the meantime, the brother of the informant, namely, Bindeshwari Rai (deceased) was surrounded and assaulted by around fourteen (14) persons, including the petitioner and one Sukhdeo Rai. The occurrence of assault of the brother of the informant took place near the house of Sukhdeo Rai. The deceased had come out of the house of the petitioner after erecting a tent at his house for the purposes of a function which was to be held later.

The learned counsel for the petitioner has further drawn the attention of this Court to the fact that on the orders of Mahesh Chandra Rai, one Rakesh assaulted the deceased by means of an axe, leading to



injuries on his head which ultimately led to his death.
The other persons were also assaulted by co-accused /
Wakil Rai.

The learned counsel for the petitioner has, therefore, submitted that since the deceased has received only one injury which is on the left frontal parietal region, it can solely be attributed to aforesaid Rakesh who had assaulted him on the orders of Mahesh Chandra Rai. The petitioner has good relations with the deceased or otherwise he would not have gone to the house of the petitioner for erecting a tent for a function.

One of the accused persons of this case, namely, Sukhdeo Rai, in front of whose house the occurrence is said to have taken place and who also is said to be amongst fourteen (14) persons who had assaulted the deceased, has been granted anticipatory bail by a Bench of this Court *vide* order dated 06.05.2020, passed in Cr. Misc. No. 35297 of 2020.

As opposed to the aforesaid contention, Mr.



Shashi Kant Amar, learned counsel for the informant has submitted that according to the F.I.R., all the fourteen (14) persons, including the petitioner, have assaulted the deceased and, therefore, distinction ought not to be made between the main assailant and the persons comprising the mob.

Considering the fact that the deceased has received one fatal injury which is attributable to one Rakesh and that one of the similarly situated persons has been granted anticipatory bail by a Bench of this Court, this Court is inclined to grant anticipatory bail to the petitioner as well.

The petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief



Judicial Magistrate, Begusarai, in connection with
Bachhwara P. S. Case No. 126 of 2020, subject to the
conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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