

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37283 of 2020**

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

BHUSHAN KUMAR @ BHUSHAN RAI S/o Mahesh Chandra Rai Resident
of Village- Chamtha-2, Kurmi Tola, Ward No.2, P.S.- Bachhwara, Distt-
Begusarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prem Kumar

For the Opposite Party/s : Mr. Awadhesh Kumar

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

ORAL ORDER

2 01-07-2021 As prayed for, let the learned counsel appearing for
the petitioner remove the defect(s), as pointed out by the office
vide its notes dated 19.12.2020, within four weeks of starting of
Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection
with Bachhwara (Begusarai) 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 his house, in the
way, 14 persons named in the F.I.R. 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.

Learned counsel for the petitioner submits that in the Postmortem report of deceased Bindeshwari Rai only one injury in nature of incised looking lacerated in 5" x 3" x bone deep over left fronto-parietal area was found, which is attributed against Rakesh, while it is alleged that all the named accused, including the petitioner, caused injury to deceased. Further submission is that, in fact, due to land dispute petitioner and other have been implicated in this case with false allegation without any specific overt act. Further submission is that similarly situated co-accused Sukhdeo Rai has already allowed privilege of pre-arrest by this Court vide Criminal Miscellaneous No. 35297 of 2020 on 06.04.2021. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bachhwara (Begusarai) P.S. Case No. 126 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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