

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9044 of 2021

Arising Out of PS. Case No.-203 Year-2020 Thana- SAKRA District- Muzaffarpur

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Pramod Kumar Alias Pramod Rai Son Of-Sakaledao Rai Village Itha
Manikpur, Ps- Sakra, Dis- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha , Advocate

For the Opposite Party/s : Ms. Meena Singh APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 30-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in Sakra PS Case No. 203 of 2020, instituted for the offence under Sections 341,323,302 and 201 of the Indian Penal Code.

The informant has alleged that his two brothers, namely, Babu Lal Rai and Sakaldeo Rai have repeatedly been quarreling with each other over property dispute. On the fateful day, at about 9.30 PM, informant's brother, namely Sakaldeo Rai along with instant petitioner have assaulted the other brother, namely,



Babu Lal Rai by means of '*Dab*' on his ear-pit. The injuries have proved fatal.

The learned counsel for the petitioner submits that there is subsisting land dispute as per allegation made in the FIR itself. There is delay in lodging of the FIR as it has been lodged about 12 hours after the alleged occurrence. The inquest report and the arrest of the accused has been done in the wee hours at least 4 to 5 hours before lodging of the FIR. The submission is of false implication based on subsisting land dispute between the parties.

The learned APP representing the State has assisted the Court with reference to the case diary. Referring to the inquest report, it has been pointed out that the dead body has been recovered in a sack. The nature of the injuries found in the postmortem, corroborates the allegation made in the FIR. The petitioner is stated to be in custody since 02.06.2020.

This Court, having regard to the gravity of the allegations, for the present, is not inclined to extend the privilege of bail to the petitioner. Petition is rejected.

The learned Trial Court is directed to proceed with the trial expeditiously and without any undue delay or adjournments.

(Madhuresh Prasad, J)

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