

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19047 of 2021

Arising Out of PS. Case No.-254 Year-2020 Thana- KOTWA District- East Champaran

RAM PRAVESH RAI Son of Sita Rai Resident of Village - Jagir Karariya,
P.S.- Kotwa, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 31-03-2022 Heard Mr. Baxi S.R.P. Sinha, learned Senior Advocate
for the petitioner and the learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Kotwa P.S. Case No. 254 of 2020 dated 25.07.2020 instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

The mother of the informant is the deceased. The accusation in the FIR is that she was strangled to death by four persons, two of whom were identified by him. The petitioner is one amongst such persons.

The learned Senior Advocate for the petitioner has submitted that the deceased had died a natural death but only because of the land dispute between the informant and the petitioner and others, this false case has been instituted.



He has further submitted that shortly before the death of the deceased, the petitioner was subjected to an assault, as a result of which his hand was fractured. The injury report and the photograph of the petitioner taken shortly before the occurrence in the subject FIR as well as the medical report have been brought on record in support of the contention of the petitioner that his implication in this case is absolutely false.

However, regard being had to the nature of accusation in the FIR, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for bail is rejected.

Should the petitioner surrender before the court below and seek bail, his application shall be considered on its own merits, without being prejudiced by the fact that the present application on his behalf for grant of anticipatory bail has been rejected, and an order shall be passed taking into account all the grounds which have been raised in this petition.

(Ashutosh Kumar, J)

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