

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27235 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Subash Rai @ Subash Chandra Rai S/o Late Vanshnarayan Rai R/o village-
Katra Karla, P.S.- Mohania, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manan Kumar Mishra, Sr. Advocate Mr. Vishwajeet Kumar Mishra
For the Opposite Party/s	:	Mr. Rajendra Nath Jha Mr. Chandra Mohan Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-09-2022 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 302 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, this petitioner along with four other FIR named accused persons armed with lathi-danda, attacked the father of the informant and inflicted altogether eight injuries on his body as a result of which he died after three days of the occurrence.

It is submitted that this allegation of assault by bricks and stones is general and omnibus. As a matter of fact, on the alleged date of occurrence, the prosecution party was playing indecent, obscene and vulgar songs on the eve of Holi which were objected by the



petitioners and others, as a result of which sudden scuffle took place, in which father of the informant sustained injuries and died after three days of the treatment. The occurrence took place on the spur of the moment and there was no intention to commit offence.

Learned counsel appearing for the State and the informant opposed the prayer for anticipatory bail and submitted that this petitioner along with co-accused, Dhiraj Rai, Surendra Rai, Kamlesh Rai and Bhola Rai indiscriminately assaulted the father of the informant as a result of which he sustained altogether eight injuries and died after three days of the occurrence.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below and prays for regular bail, the same shall be considered on its own merit without being prejudiced by the order of this court.

(Prabhat Kumar Singh, J)

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