

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45105 of 2021

Arising Out of PS. Case No.-567 Year-2020 Thana- BIHTA District- Patna

1. Badrinath Rai, aged about 45 years, Gender-Male, S/O Late Bhuneshwar Rai, R/O Village-Subhaw Tola, P.S-Neora (O.P), Bihta, District-Patna.
2. Deepak Rai, aged about 22 years, Gender-Male, S/O Badrinath Rai, R/O Village-Subhaw Tola, P.S-Neora (O.P), Bihta, District-Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanchay Srivastava, Advocate
For the Opposite Party : Mr. Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 06-07-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner nos. 1 and 2 are languishing in custody since 13.05.2021 and 10.03.2021 respectively in connection with Sessions Trial No. 276/2021, arising out of Bihta P.S. Case No. 567 of 2020, registered for the offence under Sections 341, 323, 379, 354, 504 and 506/34 of the I.P.C. Later on, Section 302 of the I.P.C. was also added.

The prosecution story, in brief, is that on 06.08.2020,



when the informant was working in the field, in the morning, then the petitioners alongwith other co-accused persons came there and started abusing and assaulting the informant and his family members due to which they sustained injuries and later the father of the informant succumbed to the injuries due to which Section 302 of the I.P.C. was also added.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. As per the allegation made in the F.I.R., the petitioner no. 1 is said to have assaulted upon the informant with *Lathi*. It is submitted that there is no injury report in the case diary in respect of the informant. Hence, the allegation as levelled against the petitioner no. 1 is not corroborated with the allegation made in the F.I.R. As far as petitioner no. 2 is concerned, he is alleged to have assaulted upon the father of the informant with *Brick*. It is further submitted that the petitioners had no intention to commit murder.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. It is further submitted that against the petitioner no. 2, there is specific allegation of assault



upon the deceased with the *Brick*. The postmortem report corroborates with the allegation made in the F.I.R.

Considering the same, I am not inclined to grant bail to petitioner no. 2, namely, Deepak Rai. The same is rejected in connection with Sessions Trial No. 276/2021, arising out of Bihta P.S. Case No. 567 of 2020, pending in the court of learned Additional District & Sessions Judge-V, Danapur, Patna.

Further, let the petitioner no. 1, namely, Badrinath Rai (except petitioner no. 2 Deepak Rai) be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-V, Danapur Patna, in connection with Sessions Trial No. 276 of 2021, arising out of Bihta P.S. Case No. 567 of 2020.

(Sudhir Singh, J)

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