

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57006 of 2021**

Arising Out of PS. Case No.-126 Year-2021 Thana- CHHAURADANO District- East
Champaran

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Braj Kishore Rai, Son of Ramagya Rai, Resident of Village- Chandarman,
P.S. Mahuawa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Verma, Advocate

Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

For the Informant : Mr. Madhurendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Umesh Kumar Verma, learned counsel for
the petitioner, Mr. Madhurendra Kumar, learned counsel for the
informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Chhauradano (Mahuawa) P.S. Case No. 126 of
2021 registered for the offences punishable under Sections 341,
323, 324, 325, 307, 506/34 of Indian Penal Code.

As per prosecution case, it is alleged that on
27.05.2021 at about 06:00 AM, while the informant was feeding
his she buffalo, in the meantime, the petitioner, who happens to



be his elder brother alongwith nephew, niece and other family members armed with weapons came there and started assaulting. It is further alleged that the petitioner gave an axe blow on the wrist of the informant, causing cut and broken injury on his left wrist. It is further alleged that this petitioner also assaulted his father Ramagya Rai thrice from the axe, due to which he fell down and other accused persons assaulted other members of the family.

Learned counsel appearing on behalf of the petitioner submits that admittedly there is a land dispute between both the informant as well as the petitioner, who happen to be the own brother and there is a Suit pending between them. He next submits that the injury sustained on the injured persons including Ramagya Rai do not support the prosecution case, inasmuch, as the injury found to be lacerated though it is alleged that the petitioner assaulted both of them by means of axe. He next submits that the injuries appear to be not grievous and moreover the petitioner is in custody since 28.05.2021. He lastly submits that there is a counter version of the present case, bearing Chhauradano (Mahuawa) P.S. Case No. 127 of 2021 lodged by the wife of the petitioner.

On the other hand, learned counsel for the informant



vehemently opposes the bail application and submits that the petitioner repeatedly assaulted his own father by means of axe and sustained grievous injuries and during the course of treatment his father died on 05.07.2021, as is also evident from the impugned order.

On the other hand, learned APP for the State also opposes the bail application.

Regard being had to the nature of accusation and gravity of the offence that the petitioner assaulted his own father, which resulted into grievous injuries leading to death, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the present application stands dismissed.

(Harish Kumar, J)

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