

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56772 of 2021

Arising Out of PS. Case No.-558 Year-2019 Thana- MASHRAK District- Saran

Jogindra Rai @ Yogendra Rai Son Of Late Laxmi Rai Resident Of Village-
Kawalpura, P.S.- Mashrakh, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Adv

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 13-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Shakil Ahmad, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with Mashrakh P.S.Case No. 558 of 2019 for the
offences punishable under Sections 341, 323, 307, 302/34
of the Indian Penal Code.

The prosecution case is based on the fardbeyan of
the informant, who alleged that on 19.12.2019 at about 7
pm. Tappu Rai(deceased) and the informant was sitting at
his door, in the meantime, petitioner along with co-accused



Sonapati Devi came and started abusing whereupon the son of the informant Tappu Rai protested thereafter this petitioner assaulted Tappu Rai over his head by means of Shaft due to which he received head injury and in course of treatment, he died.

Learned counsel for the petitioner submits that petitioner is own uncle of the deceased and in fact in course of free fight the deceased had sustained injuries, without any premeditation and intention to commit such an offence. He next submits that admittedly, the occurrence took place on 19.12.2019 at about 7 pm but the FIR has been instituted after the death of the deceased on 23.12.2019 and no explanation of the same has been given. He next submits that there is no repetition of blow nor the petitioner has assaulted any other person. He last submits that the petitioner is in custody since, 19.02.2021 and moreover, the charges has been framed.

On the other hand, learned counsel for the State opposed the bail application and submits that specific allegation has been levelled against the petitioner.

Regard being had to the submissions made on



behalf of the parties and considering the specific nature of accusation of assault which resultant into death of the deceased, this Court is not persuaded to enlarge the petitioner on bail in connection with Mashrakh P.S.Case No. 558 of 2019 and as such the application stands rejected for the present.

It is expected that the learned trial court shall take all measures to expedite the trial of the petitioner as early as possible.

(Harish Kumar, J)

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