

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18279 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

MUKESH KUMAR RAI @ MUKESH RAI S/o Ram Lakhan Rai Resident of
Village- Simari, P.S.- Vidyapati Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vikram Deo Singh, Advocate Mr.Braj Bhushan Mishra, Advocate
For the State	:	Mr.Abhay Kumar Roy, APP
For the Informant	:	Mr.Amrit Abhijeet, Advocate Mr.Manoj Kr. Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 11-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Vidyapati Nagar P.S. Case No. 44 of 2021 for the offence registered under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the Indian Penal Code.

The allegation is regarding the accused persons, armed with iron rod, lathi and sticks had come at the house of the informant and upon being ordered by the co-accused person, namely, Ram Lakhan Rai, the petitioner assaulted the father of the informant with iron rod causing injuries on his head, whereafter other accused



persons had also brutally assaulted the father of the informant. The accused persons are also alleged to have assaulted the cousin brother of the informant and his uncle when they had gone to save the father of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 05.10.2021. The learned counsel for the petitioner has further submitted that the present case arises out of case and counter case and in fact the family members of the prosecution party have also been injured in the said occurrence. Lastly, it is submitted that the present incident had arisen on account of pre-existing land dispute.

Per contra, the learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that a bare perusal of the case diary would show that there are ample materials to



connect the petitioner with the alleged crime and the petitioner is the main assailant who has inflicted fatal injuries upon the father of the informant, leading to his death, which has also stood corroborated from the postmortem report.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that there are ample materials in the case dairy to connect the petitioner with the alleged crime and, moreover, he is the main assailant who had assaulted the father of the informant with iron rod causing grievous injuries on his head resulting in his subsequent death, hence I am not inclined to grant bail to the petitioner herein, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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