

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41211 of 2023

Arising Out of PS. Case No.-281 Year-2022 Thana- SARAIYA District- Muzaffarpur

RAKESH MALAKAR Son of Raj Kumar Bhagat Resident of village - Kaswa
Gijash, P.S.- Saraiya (O.P. Jaintpur), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 03-08-2023 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Saraiya P.S. Case No. 281 of 2022, registered for the offences punishable under Sections 341, 323, 379, 427, 307, 354/34 of the Indian Penal Code.

3. As per allegation, on 04.05.2022 all the accused persons named in the FIR, including the petitioner, equipped with iron rod, *Lathi*, *Danda* knife, reached the door of the informant and started abusing and when the informant's father raised objection, they assaulted him. On hue and cry, the family members of the informant went to rescue him then co-accused Mohan Rai along with 20-25 accused persons entered into the informant's house and assaulted the informant and his family members. The petitioner inflicted iron rod blow, causing head injury to the informant's father. Thereafter, the accused persons



also took away ornaments, cash and committed indecent act with the female members of the informant.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He is a person of clean antecedent. He has also submitted that there is case and counter case and as a matter of fact, the petitioner took grocery items from the shop of the informant only worth Rs. 4,000/-, but he demanded Rs. 12,000/- and due to money dispute, quarrel took place between the parties. The members of the informant's side assaulted the petitioner and his family members and in this respect, a case has been lodged by the petitioner against the informant's side.

4. On the other hand, Shri Shailendra Kumar, the learned Additional Public Prosecutor has opposed the prayer for bail and submitted that the informant has sustained grievous injuries mentioned in paragraph no. 34 of the case diary.

5. In my view, the petitioner does not deserve the privileges for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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