

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50814 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- NAUTAN District- West Champaran

RAKESH KUMAR @ RAKESH SAH @ RAKESH KUMAR SAH S/O
Harichandra Sah R/O Village- Mangalpur Gudariya, P.S- Nautan, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-11-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with
Nautan P.S. Case No. 11 of 2023 instituted for the offence under
Sections 341, 324, 307, 302, 120(B)/34 of the Indian Penal
Code.

As per allegation in the FIR, on the the alleged date of
occurrence while informant's son namely, Basant Sah was
bringing fruits on his *thela* from Mangalpur Bazar for selling,
the accused persons including the petitioner came to him armed
with various weapons and started committing mar-pit with him
in the meanwhile informant's younger son Binda Sah too came
there, who saw that co-accused Sunil Sah gave knife to the



petitioner and petitioner caused injury with knife on right leg and panjar of Basant Sah due to which he sustained injury and succumbed to injury.

Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been made accused in the present case for the reason that he is nephew of co-accused Meghu Sah with whom there was land dispute of the informant. It is further submitted that there is no allegation of repetition of blow of knife by the petitioner. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 07.01.2023.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that from perusal of F.I.R. as well as case diary, it appears that there is direct and specific allegation against this petitioner who assaulted the informant's son namely, Basant Sah by means of knife due to which he died. The postmortem report of the deceased corroborates the prosecution case. It is further submitted that during investigation the witnesses of this case have also supported the prosecution case.



Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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