

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60922 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- AKILPUR District- Saran

KUNAL RAI S/O SUBHASH RAI R/o village- Purani Panapur, P.S.- Akilpur,
District- Chhapra, Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar Giri, Adv.
For the State	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 16-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State as also the learned counsel appearing for the informant.

The petitioner seeks regular bail in connection with Akilpur P.S. Case No. 13/2021, registered for the offence punishable under Sections 143, 341, 448, 354(B), 376/511, 302 and 506 of the Indian Penal Code.

The case of the prosecution, in brief, according to the informant, is that on 3.3.2021 at about 11:00 O'clock in the night, when the informant and her family members were sleeping, the petitioner and other accused persons had arrived there, whereafter the petitioner had tried to



commit rape with the daughter-in-law of the informant, however, alarm was raised and the villagers had arrived there, whereupon the accused persons had lifted the son of the informant and had taken him out of the house, nonetheless, the informant had followed them and subsequently, he saw that the petitioner and the co-accused person, namely, Kanbucha Rai, had pressed the neck of the son of the informant and killed him.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 5.3.2021. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against all the accused persons, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State as also the learned counsel for the informant have



vehemently opposed the prayer for bail and have submitted by referring to the materials available in the case diary that the petitioner and one other co-accused person, namely, Kanbucha Rai, are the main accused in the present case, who have pressed the neck of the son of the informant and killed him, which also stands corroborated from the postmortem report wherein the cause of the death has been mentioned as Asphyxia, caused by strangulation and in fact, it is also submitted that two ligature marks have been found around the neck of the deceased.

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 on record as also considering the materials available in the case diary, apart from considering the submissions made by the learned APP for the State and the learned counsel appearing for the Informant, this Court



finds that the complicity of the petitioner in the alleged occurrence is writ large from the records and he along with the co-accused person, namely, Kanbucha Rai, had pressed the neck of the son of the informant and killed him, hence, I do not find any merit in the present petition, thus, the same stands dismissed.

(Mohit Kumar Shah, J)

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