

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68899 of 2023

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

MUKESH KUMAR RAI @ MUKESH RAI Son of Ram Lakhon Rai
RESIDENT OF VILLAGE SIMARI PS VIDYAPATINAGAR DIST
SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mrs. Priyanka Singh, Advocate
For the State	:	Mr. Ramesh Chandra, APP
For the Informant	:	Mr. Manoj Kumar Gupta, Advocate Mr. S. Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-12-2023 Heard the learned senior counsel for the
petitioner and the learned APP for the State.

2. The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Vidyapati Nagar P.S. Case No. 44 of 2021, for the offences registered under Sections 147, 148, 149, 341, 323, 307, 302 and 504 of the Indian Penal Code, inasmuch as the prayer of the petitioner for grant of regular bail was rejected earlier by this Court, by an order dated 11.01.2023, passed in Criminal Miscellaneous No. 18279 of 2022.



3. The allegation is regarding the accused persons, armed with iron rod, lathi and sticks having arrived at the house of the informant and upon being ordered by the co-accused person, namely, Ram Lakhan Rai, the petitioner had 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.

4. The learned senior counsel for the petitioner has submitted that the petitioner is languishing in custody since 05.10.2021, however, there is no progress whatsoever, in the ongoing trial, thus the case of the petitioner be considered sympathetically and he be granted the privilege of bail.

5. *Per contra*, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have



submitted that the petitioner is the main assailant who had inflicted fatal blow upon the father of the informant, causing serious injuries, leading to his death, which has also stood corroborated from the postmortem report.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that there is no change in circumstance so as to warrant re-consideration of the prayer of the petitioner for grant of bail, hence I do not find any merit in the present petition, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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