

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59852 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- DEWARIA District- Muzaffarpur

Lakhindra Rai, S/o Late Surat Rai R/v- Hussepur Mahuani, P.S.- Sahebganj,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Bhavesh Kumar, Adv.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

3 21-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Deoriya P.S. Case no. 119 of 2022 instituted for the offence
under Sections 302, 34, 120(B) of the Indian Penal Code.

The allegation against the petitioner along with others
is of killing the younger son of the informant.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. He further submitted that there was land dispute between the deceased and Shatrughan Rai, who are full brothers and the petitioner has no concern with them or with their family. The alleged occurrence took place in the background of land dispute. The petitioner is languishing in judicial custody since 19.07.2022.

The application for bail is opposed by learned APP for the State and submitted that the complicity of the petitioner and other co-accused have been shown by the prosecution. The informant supported the prosecution version in his re-statement. During investigation, several witness have also supported the same. The FIR version is supported by the postmortem report as the deceased was assaulted by means of '*iron dab*' and the postmortem report shows that (i) 10cmx3.5cm soft tissue deep with clean cut margin was present on neck extending from chin to right side of neck, cutting skin muscles, vein and artery, blood clot infiltrated in both tissue (ii) 12x5cm bone deep on right fore-arm and the doctor opined that cause of death was due to sharp edge weapon.

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 and conclude the trial as soon as possible.

(Sunil Kumar Panwar, J)

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