

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64854 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- BACHHWARA District- Begusarai

KHESARI KUMAR @ BIJAY RAI @ BIJAY KR. RAI Son of Ganga Ram
Ray @ Sarpanch @ GANGA NAND RAY R/V- Narepur West, P.S-
Bachhwara, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 147, 148, 149,
302, 379 of the Indian Penal Code.

As per prosecution case, on 5.4.2022, the informant's
son namely, Kumar Raja was coming to his house from Diyara and
when he reached at Mallick Dhala, the petitioner along with his
associates having arms in their hands, surrounded and assaulted
him due to which he sustained serious injuries and later on, he died
in course of treatment.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. There is a
land dispute going on between the petitioner's and informant's
family due to which this petitioner has falsely been implicated in



the present case. The specific allegation of assault is against co-accused namely, Digaj Kumar. It is further submitted that the occurrence took place on 5.4.2022 but this case has been lodged in delay of three days on 8.4.2022. The petitioner has got no criminal antecedent. Moreover, similarly situated co-accused namely, Dilip Mahoto has already been granted bail by a co-ordinate Bench of this Court vide order dated 3.2.2023 passed in Cr. Misc. No. 68184 of 2022. He is languishing in judicial custody since 25.6.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bachhwara P.S. Case No. 77 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai.

(Sunil Kumar Panwar, J)

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