

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68902 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- PARSA District- Saran

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BIDHAN RAI @ VIDHAN RAI SON OF PARDESHI RAI, RESIDENT OF
VILLAGE-KUARIBIR PS-PARSA DISTRICT-SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Anant Kumar 1, APP
For the Informant	:	Mr. Shyameshwar Singh, Advocate Mr. Avinash Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 20-12-2023 1. Heard learned Senior counsel for the petitioner,

learned APP for the State and learned counsel for the informant.
2. The petitioner has preferred this application for

grant of regular bail in connection with Parsa P.S. Case no.234

of 2022 registered under sections 307, 323, 325, 341, 504, 506

and 34 of the Indian Penal Code to which section 302 of the

Indian Penal Code was added subsequently.
3. As per the prosecution case, the six named accused

persons came variously armed with lathi, iron rod etc. It is

stated that Abhay Kumar @ Guddu was armed with country

made pistol. On his orders, the accused persons caught hold of

the informant. They entered into the informant's house and the



petitioner started to assault the grandmother of the informant with an iron rod causing injuries below her waist resulting in fracture of her bones. Other accused persons also assaulted her brutally.

4. Learned Senior counsel for the petitioner submits that the petitioner has been falsely implicated in the case because of pending land dispute between the parties. He is a teacher and is in service. Referring to the material that has transpired in course of investigation, it is submitted that while the occurrence is said to have taken place on 11.9.2022, the F.I.R. was registered after a delay of four days without any explanation for the same. Subsequently in course of treatment, the grandmother of the informant died on 16.9.2022 and another statement of the father of the informant ie son of the deceased was recorded wherein he is not consistent with the allegations made against this petitioner in the F.I.R. Learned Senior counsel further refers to the material that has transpired in course of investigation in different paragraphs of the case diary. It is submitted that chargesheet has been submitted in the case and the petitioner is in custody since 22.7.2023.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.



Learned counsel for the informant submits that there is direct allegation against the petitioner of having assaulted the grandmother of the informant with an iron rod. The allegations being substantiated from the contents of the post-mortem report wherein the injuries caused to her have been found to be caused by hard and blunt object.

6. Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, the nature of allegation against the petitioner in the F.I.R. together with the contents of the post-mortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. However, in the facts and circumstances of the case, liberty is granted to the petitioner to renew his prayer for bail on charge being framed in the learned trial Court.

(Partha Sarthy, J)

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