

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66385 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- RAJAPAKAR District- Vaishali

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RAMCHANDRA RAI Son of Late Yogendra Rai Resident of Village -
Shekhpura, P.S.- Rajapakar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 302 and some other ancillary Sections of the Indian Penal Code.

As per the prosecution case, on 07.03.2021 at about 6 in the evening, road was being constructed in front of the door of the house of the informant, whereupon his neighbour namely Ram Chandra Rai, this petitioner, his wife and three sons had arrived there leading to some quarrel having taken place with regard to place of construction of the road. It is also alleged that thereafter this petitioner had assaulted the mother of the informant by spade on her head and had then hit her on her left hand, whereafter co-accused, Dharmendra Kumar is stated to have assaulted the mother of the informant by spade on her left



rib bones. The other accused persons are also alleged to have assaulted the informant and his family members. The mother of the informant is stated to have subsequently died on 22.03.2021.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is further submitted that allegation of assault is general and omnibus and no specific overt act has been alleged against this petitioner. It is next submitted that occurrence took place on 07.03.2021 but fard bayan is registered on 23.03.2021.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that there is specific allegation against this petitioner that he indiscriminately assaulted the mother of informant with spade on her head causing severe injuries and she died during the course of treatment.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on pre arrest bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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