

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69050 of 2023

Arising Out of PS. Case No.-13 Year-2021 Thana- AKILPUR District- Saran

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KUNAL RAI S/O SUBHASH RAI R/O VILLAGE- PURANI PANAPUR,
P.S- AKILPUR, DISTT.- CHHAPRA, SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-12-2023 Heard the learned counsel for the

petitioner and the learned APP for the State as also

the learned counsel appearing for the informant.

2. The present petition is by way of second

attempt at the behest of the petitioner for grant of

regular bail in connection with Session Trial No. 653

of 2021, arising out of Akilpur P.S. Case No. 13 of

2021, registered for the offences punishable under

Sections 143, 341, 448, 354(B), 376, 511, 302 and

506 of the Indian Penal Code, inasmuch as the

prayer of the petitioner for grant of regular bail

was rejected earlier by this Court, vide order dated

16.01.2023, passed in Criminal Miscellaneous No.

60922 of 2021.

3. The case of the prosecution, in brief,



according to the informant, is that on 03.03.2021 at about 11:00 O'clock in the night, when the informant and her family members were sleeping, the petitioner and other accused persons had arrived there, whereafter the petitioner had tried to commit rape with the daughter-in-law of the informant, however, alarm was raised and the villagers had arrived there, whereupon the accused persons had lifted the son of the informant and had taken him out of the house, nonetheless, the informant had followed them and subsequently, he saw that the petitioner and the co-accused person, namely, Kanbucha Rai, had pressed the neck of the son of the informant and killed him.

4. The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 05.03.2021, however, there is no progress in the trial whatsoever, hence, 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 as also the learned counsel appearing for the



informant have vehemently opposed the prayer for bail and have submitted that the earlier order of this Court dated 16.01.2023 is a well considered order which shows that the petitioner is having complicity in the alleged occurrence and he along with the co-accused person, namely, Kanbucha Rai, had pressed the neck of the son of the informant and killed him.

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 regular bail, hence I do not find any merit in the present petition, thus the same stands dismissed.

(Mohit Kumar Shah, J)

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