

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3878 of 2023**

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

Subhas Rai, S/o Late Brahamdeo Rai, R/v- Purani Parapur, P.S.- Akilpur,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Madhav Raj, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 13-04-2023 Heard learned senior counsel for the petitioner and
the learned APP for the State.

2. Petitioner seeks regular bail in connection with Akilpur P.S. Case No. 13 of 2021 dated 04.03.2021 registered for the offences punishable under Sections 302, 376, 511, 506, 143, 341, 448, 354(B) of the Indian Penal Code.

3. As per the prosecution, the informant alleged that this petitioner along with other accused persons strangled the informant's son to death using belt. Further it is alleged that the petitioner and other accused persons misbehaved with the informant's daughter-in-law and also tried to commit rape on her.



4. The main submissions advanced by the learned senior counsel for the petitioner are that the allegations levelled in the FIR against the petitioner are completely improbable, as per allegation the informant's son was forcefully taken by the petitioner and co-accused persons and thereafter he was killed by strangulation with the help of the belt but against the petitioner there is no allegation of having pressed the deceased's neck and the said allegation is against the co-accused persons namely, Kunal Rai and Kanbucha Rai and in this regard the allegation against the petitioner is vague. Further submission is that the postmortem report of the deceased falsifies the prosecution's case and petitioner was not alleged to have attempted rape on the victim's wife and the said allegation is against co-accused Kunal Rai. Further submission is that the petitioner has been languishing in jail since 26.02.2022.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides and perused the FIR and case diary of this case. The FIR goes to show that the alleged incident was committed in a very planned manner as firstly, the accused persons including the petitioner entered into the house of the informant and started misbehaving and on her resistance



when neighbours arrived then the petitioner and co-accused persons forcefully took the son of the informant with them and thereafter killed him by strangulation. The said allegation is very serious in nature and as per the FIR the petitioner and co-accused persons caught hold the victim when the other accused persons were pressing his neck and the medical expert's opinion with regard to the cause of his death is supporting the said allegations, this court is not inclined to accept his bail prayer for the present. Accordingly, his bail prayer stands rejected.

7. However, petitioner may renew his bail prayer after framing of charge.

(Shailendra Singh, J)

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