

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13298 of 2024

Arising Out of PS. Case No.-324 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Rajesh Rai, aged about 27 years, Male Son of Shankar Rai, Resident of village - Nayabasti, Ajaibganj, P.S. - Bhagwan Bazar, District - Saran at Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Bhagwan Bazar PS Case No. 324 of 2023 instituted for the offences punishable under Sections 302, 120(b)/34 of the Indian Penal Code.

3. As per the prosecution case, accused persons assaulted the brother of the informant due to which he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to land dispute going on



between the parties. He next submits that there is ornamental allegation against this petitioner that he has assaulted the brother of the informant. He further submits that father of the present petitioner namely Shankar Rai and Shivji Rai are full brother to each other and mother of the informant and mother of the petitioner is also own sister and due to land dispute occurrence took place. Petitioner has got no criminal antecedent as stated in para-3 of the petition and is in custody since 04.09.2023.

5. Learned APP for the State and learned counsel for the informant vehemently opposed the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 4th Additional Sessions Judge, Saran at Chapra dated 14.12.2023, it appears that allegation against this petitioner is specific that petitioner assaulted the brother of the informant, who died. All the accused persons assaulted by brick, hit on his forehead and informant's brother Birju Ray fell down then Bunty Ray hit on the head with an axe, due to which his brother's skull came out and other co-accused persons including the petitioner also assaulted by spade and sticks.

7. Considering the nature of allegation, the gravity and heinous nature of offence and cause of death as well as seriousness of offence, I am not inclined to grant bail to the



petitioner.

8. Prayer for regular bail of the petitioner is hereby
rejected.

(Ramesh Chand Malviya, J)

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