

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20191 of 2024

Arising Out of PS. Case No.-9 Year-2022 Thana- SITAMARHI District- Sitamarhi

Mahesh Rai, S/o Jalim Rai, Resident of Village- Mohanpur, Police Station- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Uday Kumar, Advocate
For the Opposite Party/s :	Mr. Arun Kumar Pandey, APP
	Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sitamarhi P.S. Case no. 9 of 2022 registered under sections 302, 307, 341, 323, 324, 379 and 34 of the Indian Penal Code.

3. As per the prosecution case, as a result of the petitioner having assaulted the brother of the informant with a knife, it is stated that he sustained grievous injuries, fell down and died.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No such occurrence as alleged in the FIR has taken place. The cause of false implication is previous enmity and village politics. Though the alleged occurrence is said to have taken place on 4.1.2022 in



the day time at about 2 p.m., inspite of the police station being at the distance of only 4 kms, information was given on 5.1.2022 at 11.30 a.m. and thereafter the case registered. There is no proper explanation for delay in lodging of the FIR. In fact, the informant is not an eye witness to the occurrence. The postmortem report does not support the prosecution case. The petitioner is in custody since 19.12.2023 and has no criminal antecedent. Charge-sheet has been submitted in the case.

5. The prayer 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 the petitioner is the assailant of the deceased.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in FIR wherein he is said to be the assailant of the deceased, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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