

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21117 of 2024

Arising Out of PS. Case No.-430 Year-2023 Thana- KALYANPUR District- East Champaran

Binod Rai S/o- Majhawal Rai @ Sajawal Rai Village- Shambhuchak Ps-
Kalyanpur Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Giri son of Ram Narayan Giri R/o- Shambhuchak Ps- Kalyanpur
Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Nafisu Zzoha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Kalyanpur P.S. Case No. 430 of 2023 lodged on 01.12.2023 for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 307, 302, 120(B) of the Indian Penal Code read with sections 4, 6 of the POCSO Act pending before the learned 7th A.D.J.-cum-Special Judge, POCSO Act, East Champaran, Motihari.

3. As per the prosecution story, FIR has been lodged against 13 named accused persons including the present petitioner against whom there is allegation that they have



attacked informant's father and his uncle by *garasi* due to which they become injured and when the cousin sister of the informant reached there and started crying, then the brother of the present petitioner attacked on her head due to which she fell down and died on the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the petitioner's side and informant's side are resident of the same village and land dispute is going on between them. In support of his argument, counsel submits that Annexure-2 is attached which is plaint of the Title Suit No.821 of 2023. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are five criminal cases pending against him in which in all the cases, he is on bail. Counsel submits that case diary has been called for and from the case diary, it becomes crystal clear that the petitioner has committed no offence as indicated by the independent witnesses in the definite paragraph of the case diary.

5. Learned APP for the State on the other hand opposes the prayer for bail of the petitioner and submits that in paragraph no.4,5 and 6 of the case diary, it has come that the petitioner has attacked by *garasi* upon the informant's father



who sustained injury. Counsel further submits that it is true that subsequently at the later stage of the investigation, independent witnesses were examined and independent witnesses have disclosed that when the informant's father and uncle were assaulted, the cousin sister of the informant reached there and started crying, then the brother of the present petitioner attacked on her head which resulted in her death. Counsel submits that there is no injury on record of Ram Narain Giri which is alleged to be assaulted by the present petitioner.

6. In the light of the submissions made by the parties, it transpires to this Court that it is a case of death and the petitioner may not attacked the victim girl, but he was member of the mob where, brutal murder has been made of a child who was just 14 years old.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

Divyansh/-

U		T	
---	--	---	--

