

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31233 of 2024

Arising Out of PS. Case No.-337 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Raushan Kumar @ Raushan Kunwar @ Amit Kumar Anshu @ Album Son Of
Vipin Kunwar @ Vipin Kumar @ Kaiju Kunwar Resident Of Village-
Basudeopur, Ps- Begusarai Muffasil, Dist- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 28-06-2024

Heard the parties.

2. The petitioner is in custody in connection with Begusarai Muffasil P.S. Case No. 337 of 2023 for the offence under Sections 341, 323, 325, 307, 504, 427, 379 of the Indian Penal Code lodged on 10.06.2023 by the informant, Nitish Kumar.

3. As per the prosecution story, the allegation is that first the accused persons consumed liquor and thereafter on protest assaulted as also damaged the motorcycle. The fact remains that the assault resulted into death of one of the person on the informant's side. Accordingly, the F.I.R.

4. Earlier the case of the petitioner was heard and rejected on 01.12.2023 in Cr. Misc. No. 68352 of 2023.

5. Learned counsel for the petitioner tried to impress upon this Court that there are separate allegations against the



accused persons inasmuch as this petitioner gave iron rod blow along with Shivam Kumar who was having khanti in his hand and who started assaulting on the head but actually it injured his left hand which was fractured. Against Shivam Kumar, it is alleged that he broke both the legs of the informant while against Vipin Kumar, the allegation is of brutally assaulting him but the three accused can be differentiated.

6. Learned APP on the other hand pointed out that a bare perusal of the F.I.R. would show how brutally the informant was assaulted which proved fatal and this petitioner along with Shivam Kumar Rai also damaged the motorcycle of the informant.

7. Taking into account the aforesaid fact, this Court does not deem it fit and proper to extend the privilege of bail to the petitioner which is accordingly rejected.

8. The trial Court is directed to expedite the trial and conclude the same preferably within a period of nine months from today.

(Rajiv Roy, J)

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