

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37479 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- DHAKA District- East Champaran

Omprakash Rai @ Om Prakash Prasad Yadav S/o Rajendra Rai R/o vill -
Bakrihari, P.s. - Dhaka, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Shashank Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 27-09-2024 Heard learned counsel for the petitioner; learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Dhaka P.S. Case No. 25 of 2024 dated 13.01.2024, instituted for
the offence punishable under Sections 341, 323, 324, 325, 307,
354B, 379, 427, 447, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner
along with other co-accused came to the house of the informant
with iron rods and started damaging the boundary wall of the
informant owing to an earlier land dispute. Further, the
petitioner along with other co-accused started demolishing
boundary wall of the informant and when the informant
objected, the petitioner with an intention to commit murder



assaulted the elder mother of the informant namely, Gyanti Devi with bamboo and after sustaining injury, the elder mother of the informant fell down on the ground. Thereafter Baleshwar Rai grabbed her hair and dragged her on the ground, due to which she became unveiled. When the informant came in rescue, all the accused persons assaulted him with lathi and danda. Thereafter, the informant took her elder mother to hospital, where doctor referred her to Sadar hospital, Motihari and thereafter, she was referred to IGIMS, Patna and eventually she died during the course of treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the date of occurrence is 03.01.2024 but the FIR was lodged 08.01.2024 i.e. after five days without any plausible explanation. It is further submitted that similarly situated co-accused namely, Raju Rai has been granted bail vide order dated 24.07.2024 passed by this Court in Criminal Miscellaneous No. 44753 of 2024. Lastly, it has been submitted that petitioner has three criminal cases against him.

5. Learned A.P.P. and learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submitted that there is a specific allegation



against the petitioner of assaulting the elder mother of the informant by means of bamboo.

6. Since there is a specific allegation against the petitioner of assaulting on elder mother of informant by means of bamboo, who died during the course of treatement, I am not inclined to grant bail to the petitioner.

7. Accordingly, the bail application of the petitioner is hereby rejected.

(Khatim Reza, J)

Sankalp/-

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