

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42942 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

Nawal Rai S/O Late Shiv Ray Resident of Village- Madhopur Hazari, Balua
Tola, Police Station- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar S.K., Advocate
For the State	:	Mr. Abhay Kumar Roy, APP
For the Informant	:	Mr. Yugal Kishore, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 302 and 34 of the Indian
Penal Code.

3. The prosecution case in brief is that on 07.07.2023
at about 6 PM in the evening, this petitioner along with other
accused persons named in the F.I.R. assaulted the husband of
informant by means of iron rod, sword and *pharsha* as a result
of which, husband of informant died during course of treatment.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that petitioner is innocent and has falsely
been implicated in this case due to previous land dispute
between the parties. Petitioner has got no concern with the



alleged incident. As a matter of fact, husband of informant died due to ailment and taking advantage of the situation, this false and concocted case has been lodged. Petitioner has got no criminal antecedents and he is in custody since 25.09.2023.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that he, along with other accused persons, assaulted husband of informant as a result of which, he died during course of treatment. It is further submitted that in the post mortem report, doctor has found 9 injuries on the body of the deceased caused by hard, blunt and heavy object.

6. Considering the rival submissions and specific accusation of assault against this petitioner, the prayer for grant bail of to the petitioner is rejected.

7. However, considering the fact that the petitioner is in custody since 25.09.2023, the learned trial court is directed to expedite the trial and conclude the same, as early as possible.

(Prabhat Kumar Singh, J)

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