

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46717 of 2024

Arising Out of PS. Case No.-44 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

Mukesh Kumar Rai @ Mukesh Rai Son of Ram Lakhan Rai R/V- Simri, P.S.-
Vidhyapatinagar, District – Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Narayan Yadav, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 19-07-2024 The present petition is by way of third attempt at the

behest of the petitioner for grant of regular bail in connection
with Vidyapati Nagar P.S. Case No. 44 of 2021, registered for
the offences punishable under Sections 147, 148, 149, 341, 323,
307, 302 and 504 of the Indian Penal Code inasmuch as all the
earlier petitions filed by the petitioner have stood rejected.

2. The allegation is regarding the accused persons, armed
with iron rod, lathi and sticks having arrived at the house of the
informant and upon being ordered by the co-accused person,
namely, Ram Lakhan Rai, the petitioner had assaulted the father
of the informant with iron rod causing injuries on his head,
whereafter, the other co-accused persons had also brutally
assaulted the father of the informant. The accused persons are
also alleged to have assaulted the cousin brother of the



informant and his uncle when they had gone to save the father of the informant.

3. The learned counsel for the petitioner submits that the petitioner is languishing in custody since 5.10.2021, hence, a sympathetic view be taken and he be granted the privilege of regular bail.

4. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail and has submitted, by referring to the earlier order of this Court dated 11.1.2023 that this Court has observed therein that a bare perusal of the case diary would show that there are ample materials to connect the petitioner with the alleged crime and the petitioner is the main assailant who has inflicted fatal injuries upon the father of the informant, leading to his death, which has also stood corroborated from the postmortem report.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record, this Court finds that there are ample materials on record to connect the petitioner with the alleged crime and moreover, he is the main assailant, who had assaulted the father of the informant with iron rod causing grievous injuries on his head resulting in his subsequent death, apart from the fact that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, hence, I do not find any merit in



the present petition, thus, the same stands dismissed.

(Mohit Kumar Shah, J)

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