

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51284 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- NIMACHANDPURA District- Begusarai

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Raja Rai @ Raja Babu Son Of Ram Pravesh Rai @ Bhullu Rai Resident Of
Village - Jagdishpur Araiya Ramanand Nagar, P.S. - Nimchandpura, District -
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Sucheta Yadav, APP
For the Informant	:	Mr. Anuj Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner and learned APP

for the State as also learned counsel for the informant. Perused

the case diary.

2. The petitioner seeks bail in connection with

Nimachandpura P.S. Case No. 12 of 2024 instituted for the

offence under Sections 323, 341, 307, 379, 504, 506/34 of the

Indian Penal Code (IPC) and subsequently, Section 302 of the

IPC was also added.

3. Prosecution case in short is that on 06-02-2024,

brother of the informant was called for by Raja Babu @ Raja

Rai (petitioner) at about 7:15 P.M. It is alleged that at about 9:00

PM informant received an information that his brother is



seriously injured and is lying unconscious at Maksudan Tola on the road, whereafter informant along with his brothers rushed to the spot and thereafter they took the injured to hospital. It is further alleged that accused have taken away a gold chain of the brother of the informant worth Rs. 60,000/-. It is also alleged that brother of the informant had given Rs. 2,00,000/- loan to the petitioner six months prior to the incident and he believed that in order to digest the aforesaid money, under a conspiracy co-accused, namely, Raja Rai @ Raja Babu (petitioner), Bihari Rai, Kapildeo Rai, Gautam Rai, Jitendra Rai called his brother from the house and brutally assaulted him and left him on the road.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03-03-2024. Petitioner is stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is inordinate delay of four days in lodging of the FIR. It is submitted that motive assigned is completely fabricated as the loan was never advanced to the co-accused. Learned counsel for the petitioner submits that it is alleged that petitioner has assaulted by means of iron rod. It is submitted that



none of the witnesses during entire investigation have stated that accused persons were carrying any kind of weapon or had assaulted the deceased using any weapon. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that co-accused, namely, Jitendra Kumar in his confessional statement has stated that petitioner has assaulted the deceased by means of iron rod, which fact finds mention in paragraph No. 118 of the case diary.

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation of assault against the petitioner by means of iron rod and taking into account, the nature and gravity of the offence, this Court is not inclined to allow bail to the petitioner. Prayer is *rejected*.

8. However, if the trial is not concluded within a period of six months then the petitioner will be at liberty to renew his prayer for grant of bail.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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