

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60708 of 2024

Arising Out of PS. Case No.-313 Year-2022 Thana- BIHIA District- Bhojpur

Chunu Rai @ Radha Mohan Rai S/o Sri Hiralal Rai R/o Village- Sundarpur
Barsa, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Adv.
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
For the informant	:	Mr. Bhaskar Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-09-2024 Heard Mr. Manoj Kumar, learned counsel for the petitioner and Bhaskar Shankar representing the informant as also the learned counsel for the State.

2. The petitioner is in custody in connection with Bihiya P.S. Case No. 313 of 2022 for the offence punishable under sections 147, 148, 149, 341, 323, 307 302 of the Indian Penal Code and 27 of the Arms Act lodged on 16.11.2022 by the informant, Rahul Kumar Rai.

3. As per the prosecution story, the informant alleged that the accused persons, armed variously stoned the house of the informant and started abusing. When it was objected, they resorted to fight causing injuries to number of family members including the father.



4. The further allegation is against the female members of the accused persons of throwing bricks which also hit his father. The injured persons were rushed to the hospital, father to Patna where he succumbed to the injuries. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that the FIR itself shows that besides the injuries caused by fire arm, it was the brick that hit the deceased which proved fatal.

6. However, this Court appreciates his further submission that post-mortem report shows that the cause of death is due to fire arms.

7. Learned counsel appearing on behalf of the informant submits that the Trial Court is trying to put the trial on track but due to number of petitions being filed by the accused persons, the same could not be taken up further.

8. Considering the kind of allegation that has come against the petitioner, no relief cannot be granted. They resorted to indiscriminate firing by which number of family members were injured, it is not the case of the accused persons that there was any retaliation and/or any attack by the informant's side, father of the informant succumbed to the injuries, in that background, this Court does not deem it fit and proper to extend



the privilege of bail which is accordingly rejected.

9. The Trial Court is requested to look into the matter and since the accused persons are in jail, put the trial on track at an earliest.

(Rajiv Roy, J)

Vijay Singh/-

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