

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60359 of 2024

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

Jitendra Rai @ Jitendra Kumar @ Jitendra Ray son of Baleshwar Rai @
Baleshwar Ray R/O- Ramanandnagar Jagdishpur, P.S- Nimachandpura,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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

ORAL ORDER

3 20-12-2024 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 co-accused, Raja
Babu @ Raja Rai 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 co-accused Raja Rai @ Raja Babu 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, Bihari Rai, Kapildeo Rai, Gautam Rai, Jitendra Rai (petitioner) 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 06-04-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is no specific allegation levelled against the petitioner, rather allegation is general and omnibus in nature. 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 bamboo. It is lastly submitted that charge sheet has been submitted in this case. Other co-accused has been granted bail by this Court *vide* order dated 21-09-2024, passed in Cr. Misc. No. 50022 of 2024.

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 petitioner in his confessional statement has stated that co-accused, namely, Raja Rai has assaulted the deceased by means of bamboo, which fact finds mention in paragraph No. 118 of the case diary.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no specific allegation against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nimachandpura P.S. Case No. 12 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

