

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70971 of 2023**

Arising Out of PS. Case No.-386 Year-2020 Thana- MAHUA District- Vaishali

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DURGA RAI son of Late Bateshwar Rai Village- Tajpur Buzurg Ps- Mahua  
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Ramakant Sharma, Sr. Advocate |
|                          |   | Mr. Rakesh Kumar Sharma, Advocate |
| For the Opposite Party/s | : | Mr. Rina Sinha, APP               |
| For the Informant        | : | Mr. Yugal Kishore, Advocate       |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

5      05-03-2024                      1. Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner has preferred this application for  
grant of regular bail in connection with Mahua P.S. Case no. 386  
of 2020 registered under sections 302, 328 and 120B of the  
Indian Penal Code.

3. As per the prosecution case, the informant states  
that her son was taken away by the petitioner. Subsequently he  
returned in an intoxicated condition and stated that it was the  
petitioner who had forced him to drink poisonous liquor. The  
informant's son subsequently died in course of treatment. The  
informant further states that in January, 2020, the accused had  
got a registry executed of fourteen *dhoors* of land for a total



consideration of Rs. 1,70,000/, however only Rs. 33,000/ had been paid and the accused had stated that the remaining amount would be paid later.

4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case. Admittedly there is no eyewitness to the occurrence. The manner of occurrence is other than what has been narrated in the F.I.R. Referring to the alleged registration deed with respect to the land in question referred to in the F.I.R, it is stated that it categorically states that total consideration amount has been paid. The petitioner is in custody since 22.6.2023 and undertakes to cooperate in the case.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that there is direct allegation against the petitioner in the F.I.R which is being supported from the contents of the postmortem report as also the report of the FSL. It is further submitted that he undertakes to produce the witnesses at the earliest and to cooperate in the trial.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R together with the contents of the postmortem report



and report of the F.S.L, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. The learned trial Court is directed to expedite the trial.

**(Partha Sarthy, J)**

Harsh/-

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