

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77995 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- AWTARNAGAR District- Saran

1. Kashi Ray @ Kashi Rai @ Kashi Prasad Rai S/o Late Dhariman Rai R/O Village-Jhaua Tola, P.S.-Awatar Nagar, District-Saran
2. Manoj Kumar Rai @ Manoj Rai @ Sukesh Rai S/O Kashi Rai @ Kashi Pd. Rai R/O Village-Jhaua Tola, P.S.-Awatar Nagar, District-Saran
3. Saroj Kumar Rai @ Saroj Rai @ Saroj Kumar Yadav S/O Kashi Ray @ Kashi Rai @ Kashi Pd. Rai R/O Village-Jhaua Tola, P.S.-Awatar Nagar, District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Rana Randhir Singh, APP
For the Informant	:	Mr.Awadhesh Kr. Pandey, Advocate
	:	Mr.Abhishek Kr. Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-11-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Awatar Nagar PS case no. 85 of 2023, disclosing offences punishable under Sections 302/120(B) of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 29.03.2023, during course of Panchayati regarding unit of loudspeaker being stolen from the house of Guddu Kumar, petitioner no. 1 instigated other accused persons



and he ordered to kill the informant's husband, upon which, petitioners no. 2 and 3 pulled the deceased on the ground and co-accused persons sat on his body and started assaulting, due to which, the informant's husband died.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case due to village dispute. Learned counsel further submits that the informant is not an eye-witness to the occurrence. The allegations are false and fabricated and the real fact of the story is that the deceased was suffering from heart decease and as per the post-mortem report, cause of death is cardio respiratory failure. He also submits that during investigation, the witnesses have stated that deceased was not assaulted by any body.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that occurrence has taken place near the house of the informant and she was the eye-witness to the same. Learned counsel further submits that petitioners along with other accused persons with common intention, pulled the deceased on the ground, assaulted him and the post-mortem report shows signs of nail and thumb below the neck of deceased and blood was oozing out from the mouth of the deceased. Deceased was only



aged about 26 years and the reason for cardiac arrest is assault and trauma being caused by petitioners and other accused persons.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the gravity of offence and nature of allegation against the petitioners, I am not inclined to grant the privilege of anticipatory bail to the petitioners.

7. The prayer for anticipatory bail is, accordingly, rejected.

(Anil Kumar Sinha, J)

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