

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2537 of 2024

Arising Out of PS. Case No.-459 Year-2023 Thana- NOORSARAI District- Nalanda

Mukesh Kumar, Aged about 44 years, Gender-male, S/o Mahendra Prasad,
Resident of Village- Itasang, P.S.- Rahui, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 18-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Noorsarai P.S. Case No. 459 of 2023 instituted for the offences
punishable under Sections 341, 323, 307, 379, 354, 504, 506/34
Indian Penal Code.

3. As per the prosecution case, the allegation against
the petitioner is that he along with co-accused Roushan Patel
entered into the room of informant and brutally assaulted to her
husband with iron rod and when her husband was unconscious
then petitioner took Rs. 50,000/- from her house.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has



falsely been implicated in this case due to land dispute. He is own nephew of the informant's husband. Petitioner is languishing in judicial custody since 02.10.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., impugned order dated 07.12.2023, case diary along with injury report, it appears that on the basis of written report informant Shyamkuri Devi F.I.R. registered against two named accused including the petitioner and 8-10 unknown persons. The allegation against the petitioner that he along with other co-accused persons assaulted to the informant's husband by means of iron rod with intention to kill him. In the F.I.R., the informant has also alleged that prior to this occurrence the accused persons had also committed such type of offence with her husband for which F.I.R. has been lodged vide Noorsarai P.S. case No. 434 of 2023. From perusal of injury report of the injured Nawal Prasad, total eight injuries found and out of which one is on vital part of the body which is grievous in nature. During investigation, other witnesses of this case have also supported the prosecution case.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, I am not



inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. However, learned trial Court is directed to conclude the trial preferably within six months from the date of receipt of the order and if not concluded, petitioner will be at liberty to renew his prayer for grant of regular bail before the trial Court.

(Ramesh Chand Malviya, J)

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