

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6681 of 2025

Arising Out of PS. Case No.-586 Year-2023 Thana- NAUBATPUR District- Patna

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Bhavisya Rai @ Bhavishya Kumar Rai @ Sadhu Rai S/O Late Mohan Rai
Resident of Village- Barshimha, PS- Alipur, District- Gaya. presently at
village- Gadaipur, PS- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.
For the Informant : Mr. Upendra Ujjwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-05-2025 Heard learned counsel for the petitioner, informant
and learned A.P.P. for the State.

2. Petitioner seeks regular bail in connection with Naubatpur P. S. Case No. 586/2023 in a case registered for the offences punishable under Sections 341, 342, 328, 307, 504, 506/34 of the Indian Penal Code to which, Section 302 of the Indian Penal Code was added later on.

3. The prosecution case, as per the *Fardbeyan* of the informant Anand Rai dated 14.08.2023, is that informant's son Chandan Rai was killed by this petitioner and co-accused Sunil Kumar, for which Case No. 182 of 2014, S.T. No. 441 of 2023 is pending. To withdraw the said case, petitioner and co-accused Sunil Kumar were putting pressure on the informant. On



12.08.2023 at about 8:00 P.M., when the informant was returning home after completing his agricultural work, this petitioner and co-accused Sunil Kumar along with 3-4 unknown persons dashed him on ground and put the poison mixed alcohol in his mouth, afterwards, all the accused persons fled away.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Petitioner has been made accused in this case due to old enmity. He further submits that F.I.R. has been lodged after inordinate delay of five days which itself raises doubt over veracity of the prosecution case. As a matter of fact, on 12.08.2023, the informant was admitted in P.M.C.H., Patna due to usual illness and on 14.08.2023, the informant was discharged from the hospital. Thereafter, he again fell ill on 17.08.2023 and was taken to Naubatpur Hospital, where he died during course of treatment which itself goes to show that the deceased did not die due to the occurrence as alleged in the F.I.R. Post-mortem report also does not support the allegations made in the F.I.R. No alcohol was found in the body of the deceased. Petitioner is in custody since 13.08.2024. Charge-sheet has already been submitted.

5. Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the bail



application.

6. Considering the aforesaid facts and circumstances of the case and period of custody, the bail application is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-VI, Danapur, Patna in connection with Naubatpur P. S. Case No. 586 of 2023.

(Prabhat Kumar Singh, J)

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