

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30035 of 2025

Arising Out of PS. Case No.-436 Year-2023 Thana- GAURICHAK District- Patna

Lalu Rai @ Lalu Kumar S/o- Dinesh Rai RO Village- Jamalpur PS-Garichak,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-05-2025 Heard learned counsel for the petitioner, State and
the informant.

2. The petitioner is in custody in connection with Gaurichak P.S. Case No. 436 of 2023 for the offence under Sections 149, 341, 323, 324, 307, 379, 504, 506, 302 and 34 of the I.P.C. lodged on 27.07.2023, by the informant, Surendra Ray.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came to his shop where his sons Sunil Rai and Harendra Rai were also sitting. They started abusing the informant's side. Upon objection, Dinesh Rai gave sword blow to Sunil Rai (deceased) as a result, he fell down on the ground. The allegation against this petitioner, Lalu Rai @ Lalu Kumar is that thereafter he repeatedly gave wooden rod blow to Sunil Rai on his head making him completely unconscious. Lalu Rai also assaulted Harendra Rai causing injury near his eyes. Thereafter Ranjan Rai and others assaulted causing



injury to Harendra Rai. They continued assaulting the informant and his sons till the informant side became unconscious, the villagers came and they retreated whereafter the injureds were shifted to the hospital. This led to the FIR. Subsequently, Sunil Rai succumbed to the injuries.

4. Learned counsel for the petitioner submits that the first blow was given by Dinesh Rai by sword to Sunil Rai and only thereafter the allegation of assault is on this petitioner. Further, though allegation of assault on Harendra Rai has been alleged, the injury report is not on record.

5. Learned counsel representing the informant on the other hand submits that a perusal of the FIR would show that repeated 'lathi' blows were given on the head of the deceased by this petitioner which ultimately proved fatal.

6. Considering the allegation that has come against the petitioner, as recorded above, and the submission of the parties, no fresh look is required in the matter.

7. The bail petition stands dismissed.

(Rajiv Roy, J)

Adnan/-

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