

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43140 of 2025

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

Dinesh Rai Son of Late Bhagwat Rai @ Late Bhagbat Rai Village- Jamalpur
PS -Gaurichak District- Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr. Advocate
For the State	:	Mr.Shailendra Kumar Singh, APP
For the informant	:	Mr. Shyamal Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-08-2025 Heard Mr. Krishna Prasad Singh, learned Senior Counsel for the petitioner and the State as also Mr. Shyamal Prakash, learned counsel for the informant.

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

3. As per the prosecution story, the informant has alleged that his brother had sold soil of twenty four Kathas to Nagina Rai and Dinesh Rai when it was protested by the informant's side, allegation is that Dinesh Rai as also Lalu Rai assaulted Sunil and Harendra by 'sword' and 'iron rod' respectively. Gopal Rai assaulted the informant. Allegation against Ranjan Rai is of assaulting his son Harendra Rai, causing injury near his eyes. This followed another assault by



him on the head of Harendra Rai, as a result, he became unconscious. The presence of Rahul Kumar is also there in the FIR, Accordingly, the FIR.

4. Learned Senior Counsel submits that though the petitioner is in custody since 02.04.2024, charge has still not been framed and as such he deserves bail.

4. Learned counsel representing the informant on the other hand has taken this Court to the FIR once again to show that the petitioner was the first person who assaulted the deceased, he fell down whereafter, the other assault took place and the post mortem report clearly shows that the injuries on the head is the cause of death.

5. Considering the direct allegation that has come against the petitioner, in that background, this Court has no option but to reject the bail application.

6. However, since the petitioner is in custody since 02.04.2024, the Trial Court shall see to it that the charges are framed and the trial be expedited as the bail application having been rejected, he is entitled to an early and fair trial.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

