

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62892 of 2024

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-
Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-01-2025 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 has alleged that his brother had sold soil of twenty four Kathas to Nagina Rai and Dinesh Rai and when it was protested by the informant's side, allegation is that Dinesh Rai as also Lalu Rai (the petitioner herein) assaulted Sunil and Harendra by 'sword' and 'iron rod' respectively. So far as Gopal Rai is concerned, he 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 counsel for the petitioner submits that the FIR version of the informant does not match with the subsequent statement and it clearly shows that they have tried to implicate the family members. He has taken this Court to the FIR to show that while main role was assigned to Dinesh Rai in the FIR, in the subsequent statement, along with Dinesh Rai, the name of Dharmendra Rai was incorporated which has been parroted by other members of the family. He submits that it creates suspicion and clearly show false implication.

5. Learned counsel for the informant on the other hand submits that so far as Lalu Rai is concerned, the role of beating the deceased once he was injured by Dinesh Rai is consistent. The further submission is that Dinesh Rai and some other accused have been denied bail.

6. Though this Court is in agreement with the submission of the learned counsel for the petitioner that there is variation in the subsequent statement of the informant inasmuch as the name of Dharmendra Rai as one of the main assailant was



missing in the FIR but got incorporated in the case diary, which allowed him to get relief, so far this petitioner is concerned, allegation of beating the son of the informant who fell down after the assault by Dinesh Rai cannot be ignored. In that background, for the present, this Court is not inclined to extend him bail which is accordingly, rejected.

(Rajiv Roy, J)

Vijay Singh/-

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