

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87941 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- RASULPUR District- Saran

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Akhilesh Rai Son of Late Bindhyachal Rai Resident of Village - Banpura,
Police Station - Rasulpur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mili Kumari, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-01-2025 Heard the parties.

2. The petitioner is in custody in connection with Rasulpur P.S. Case No. 119 of 2024 for the offence punishable under sections 103(1), 3(5) of B.N.S. Act, 2023 lodged on 04.07.2024 by the informant, Jitendra Rai.

3. As per the prosecution story, the informant alleged that due to land dispute, scuffle took place in which this petitioner assaulted his father and the petitioner's son Priyanshu gave a blow on the chest causing his immediate death. This led to the FIR.

4. It is the case of the petitioner that the fact remains that scuffle took place, the further assault part is exaggerated, To the best of his knowledge, the medical report does not describe any reason for the said death nor any injury was found



and as such, it can be clubbed in the category of normal death, may be due to shock. The petitioner is not the person who gave the blow and is in custody since 01.10.2024.

5. Learned APP opposes the prayer for bail submitting that though the scuffle took place, the allegation of assault/blow on the chest has been ascribed to the father-son duo.

6. Having gone through the facts of the case and the submission of the parties, the petitioner is in custody since 01.10.2024. So far as this petitioner is concerned, there is allegation of assault without any specific role, FIR lodged, he shall be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran, Chapra in connection with Rasulpur P.S. Case No. 119 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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