

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13938 of 2026

Arising Out of PS. Case No.-324 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Sankar Rai, aged about 72 years male Son of Late Ramdesb Rai, Resident of village- Naya Basti Ajaib Ganj, P.S.- Bhagwan Bazar, Dist- Saran (Chhapra).
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shatrughna Pandey, Advocate
For the State	:	Ms. Sharda Kumari, APP
For the Informant	:	Ms. Avinash Kumar Pandey, Advocate
		Mr. Aashish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

7 15-05-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Bhagwan Bazar P.S. Case No. 324 of 2023 instituted for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

3. This is the second attempt for regular bail of this petitioner. Earlier the prayer for regular bail this petitioner was rejected by this Court in Cr. Misc. No. 72380 of 2024 vide order dated 21.02.2025, respectively.

4. As per allegation in the FIR, accused persons assaulted the brother of the informant due to which he died.

5. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. He submits



that as per FIR no any arms or weapons where recover from the conscious possession of the petitioner. He further submits that the allegation against the petitioner is of general and omnibus. He next submits that there is no any independent witness of the occurrence. He lastly submits that the petitioner and informant are gotiyas and there are land dispute attributed between the parties. Petitioner has got clean antecedent as stated in para 3 of the petition as in custody since 21.02.2024.

6. Learned APP for the State and learned counsel for the informant opposed the prayer for regular bail of the petitioner.

7. From perusal of the FIR and impugned order of the learned Additional Sessions Judge-II, Saran at Chhapra dated 04.12.2025, it appears that on the basis of fardbayan of the informant namely Rakesh Rai, FIR has been registered under Sections 302, 120B/34 of the Indian Penal Code and the allegation is that the accused persons assaulted the brother of the informant due to which he died. From the perusal of the report regarding the stage of the trial, it also appears that the charge is framed on 15.04.2024. and out of seven prosecution witnesses six prosecution witnesses have been examined and the case is still pending at the stage of evidence and the trial is



expected to be concluded within three months, so considering all these aspects of the case, and submission of learned counsel for the petitioner, I am inclined to grant regular bail to the petitioner.

8. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on regular bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chhapra in connection with Bhagwan Bazar P.S. Case No. 324 of 2023, subject to the condition that the petitioner shall remain physically present before the trial Court on each and every date as fixed by the leared trial Court till disposal of the case.

(Ramesh Chand Malviya, J)

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