

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18910 of 2015

Arising Out of PS.Case No. -45 Year- 2014 Thana -KORHA District- KATIHAR

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Krishna Rai @ Krishna Kumar Rai, son of Jangi Rai, resident of
village/Mohalla- Babanganj Rai Tola, P.S.- Korha, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 09-09-2015 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Korha P.S.
Case No.45 of 2014, corresponding to G.R. No.863 of 2014,
registered under Section 302 of the Indian Penal Code besides
Sections 3(x) (xi) of the SC and ST (Prevention of Atrocities) Act.

The accusation is that Sikandar Rishi, the son of the
informant, Most. Veerta Devi, used to do the job at Delhi with
Manoj Rai by whom his son had sent the money. On 21.03.2014,
the husband of the informant had gone to take the money from
Manoj Rai and when her husband was returning by the bicycle
after taking the money, Jangi Rai caught hold of her husband and
making demand of Rs.400/- as taken by him and started to assault
her husband and dragging him. In the meantime, the niece of the



informant, namely, Gudia Kumari, informed her about the occurrence and when the informant went to the house of Jangi Rai, she saw that the Jangi Rai and this petitioner was causing assault to her husband. On the request of the informant giving assurance to return the money, they freed her husband. When the informant came to her house alongwith her husband, her husband made complaint of pain in the chest and the husband of the informant, later on, died.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the First Information Report that the informant received information about the alleged occurrence by her niece, Gudia Kumari but Gudia Kumari, in her statement as detailed in paragraph-58 of the case diary has stated that she had not seen the occurrence. Moreover, in the post-mortem examination of the deceased, his cause of death was found as asphyxia due to strangulation by rope, which clearly indicates that the prosecution story as narrated in the fardbeyan is false. The petitioner and his father have falsely been implicated in this case by the informant due to previous grudge and enmity. The petitioner is in custody since 06.02.2015.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on

bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, in connection with Korha P.S. Case No.45 of 2014 corresponding to G.R. No.863 of 2014.

(Rajendra Kumar Mishra, J)

P.S./-

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