

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12297 of 2020

Arising Out of PS. Case No.-230 Year-2019 Thana- KATORIYA District- Banka

1. Binod Rai Son of Late Jagdish Rai Resident of Village - Kharipar, P.S.- Katoriya, Distt - Banka.
2. Ranjeet Rai Son of Late Bachaneshwar Rai Resident of Village - Kharipar, P.S.- Katoriya, Distt - Banka.
3. Horla Rai @ Horila Rai Son of Binod Rai Resident of Village - Kharipar, P.S.- Katoriya, Distt - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-10-2020 Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

It is submitted by learned counsel for the petitioners that on account of arrest of petitioner no.2, the application for anticipatory bail of petitioner no.2, Ranjeet Rai was withdrawn on 4.9.2020.

The instant application for anticipatory bail has been filed by the petitioner nos.1 and 3 apprehending their arrest in connection with Katoriya P.S. Case No.230 of 2019, registered under sections 302, 448, 454 and 34 of the Indian Penal Code.



As per allegation in the F.I.R., the six named accused persons including the petitioners herein variously armed entered the house of the informant, started to abuse them and it is stated that Bharat Rai struck the informant's son Pawan Kumar with an axe causing injuries on his eyes as a result of which he fell down and died. The cause of occurrence is stated to be land dispute.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the F.I.R. are false and concocted. The death of the deceased Pawan Kumar took place as a result of violent dispute in the family because of extra marital relationship between his wife and one of his brother. It is submitted that the postmortem report of Pawan Kumar does not support the allegation made in the F.I.R. for the reason that against the assault by six named accused persons, only one injury has been found and which as per the allegation in the F.I.R. can be attributed to Bharat Rai. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case



together with the material that has transpired in course of investigation as also the postmortem report, the Court is inclined to enlarge the petitioner nos.1 and 3 on bail. The petitioner nos. 1 and 3 are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Katoriya P.S. Case No.230 of 2019, they will be enlarged on bail on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate/successor Court, Banka, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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