

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35543 of 2020

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

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1. CHANDAN RAI son of late Bachneshwar Ray Resident of Village- Kharipur, P.S.- Katoriya, District- Banka.
 2. GUDDU RAY son of late Telle Rai Resident of Village- Kharipur, P.S.- Katoriya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-01-2021 Heard both parties.

The petitioners seek bail in Katoriya P.S. Case No. 230 of 2019, registered for the offence punishable under Sections 448, 454, 302 and 34 of the Indian Penal Code.

As per the FIR, on 07.12.2019 in the midnight all the FIR named accused persons including these petitioners armed with Axe and Danda entered into the house of informant and were asking to release their land with abusive words. On protest, co-accused Bharat Rai gave Axe blow to the son of informant Pawan Kumar, causing injury on his eyes due to which he fell down and died on the spot.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case due to land



dispute. There is general and omnibus allegation. Specific allegation of inflicting Axe blow upon the deceased is against co-accused Bharat Rai. Chargesheet has already been submitted. Petitioners are in custody since 12.08.2019 and 08.12.2019 respectively and have got clean antecedent.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Katoriya P.S. Case No. 230 of 2019, subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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