

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6311 of 2022

Arising Out of PS. Case No.-362 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

DAROGA RAI S/o Late Ram Bahadur Rai Resident of Khalpura Bala, P.S.-
Chhapra Muffasil, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shiv Shankar Prasad Yadav, Advocate
For the Opposite Party/s	:	Mr.Anil Kumar Singh No.1, APP
For the Informant	:	Mr.Subodh Kumar Barnwal, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 19-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

as well as learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Muffasil
P.S. Case No. 362 of 2020 registered for the offence under
Sections 147, 323, 307 and 302 of the Indian Penal Code and
under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.09.2020.

The allegation against the petitioner is to commit
murder of the cousin brother of the informant, along with other



co-accused person, while making assault with tangi, rod, etc, for long standing land disputes.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in this case, for the reason, being head of the family, who is about 80 years old. It is submitted that the allegation appears improbable, for the reason, that it is not possible for a person, who is 80 years old to make such repeated assault with tangi, leading to death. It is further submitted that from the face of FIR, it can safely gathered that fatal assault was not specific against this petitioner, rather it was jointly made along with other co-accused person, namely, Upendra Ray. It is also submitted that for the same set of occurrence, a complaint case was also lodged by the petitioner side, suggesting thereof, that occurrence was free fight in nature, where petitioner cannot be said to have intention to cause death. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Shri Subodh Kumar Baranwal, appearing on behalf of the informant,



while opposing the prayer of bail, fairly conceded that assault was made jointly along with co-accused person, namely, Upendra Ray, as per FIR.

Considering the facts and circumstances as mentioned above, as allegation as raised against this petitioner to give fatal blow is not specific coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 362 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge- XIII, Saran at Chapra/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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