

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8105 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- KATORIYA District- Banka

1. Vinda Rai Son Of Naresh Rai, Resident Of Village- Khadipar, P.S- Katoria, Dist- Banka
2. Mangan Rai @ Ashok Rai Son Of Uggan Rai, Resident Of Village- Khadipar, P.S- Katoria, Dist- Banka

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 34106 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- KATORIYA District- Banka

Naresh Rai Son Of Late Masudan Rai, Resident Of Village- Kharipar, Police Station- Katoriya, District- Banka

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 36347 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- KATORIYA District- Banka

Prakash Ray Son of Vishan Ray, Resident of village - Kharipar, P.S. - Katoriya, District - Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8105 of 2022)

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 34106 of 2022)

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 36347 of 2022)

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate



For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-12-2022 Since these three applications arise out of Katoriya P.S. Case No. 153 of 2021, as such, they have been taken up together and are being disposed of by this common order.

Learned counsel for the petitioners submits that in paragraph-12 of the petition of petitioner Naresh Rai, inadvertently, the date of custody of petitioner has been mentioned as '14.06.2021' in place of '17.06.2021'. Hence, he seeks permission to correct the error in course of the day.

Permission is accorded.

Heard learned counsel for the petitioners and learned APP for the State.

Let the defect (s), if any, as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Katoriya P.S. Case No. 153 of 2021 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 302, 326, 324 and 120(B) of the Indian Penal Code.

As per the prosecution case, in the background of land dispute, the petitioners along with other co-accused persons slit the throats of two persons, one of them was the husband of the



informant.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. From the F.I.R., it is evident that the informant is not an eye witness and on the basis of suspicion she has named the petitioners. Altogether eight persons have been named accused but no specific allegations has been levelled against the petitioners or other co-accused persons. Allegations are general and omnibus. Learned counsel further submits that the prosecution developed story later on and statement of some of the persons have been recorded who claimed themselves to be eye witnesses and they named the petitioners Prakash Ray and Naresh Ray who slit the throats of Vinod Rai and Ranjit Rai. But this is out and out false, as they have also stated about two other persons who intervened and received injuries but no injury report of these two persons has been brought on record. Learned counsel further submits that, moreover, even in the statement of these witnesses, the allegation is not against the petitioners Vinda Rai and Mangan Rai @ Ashok Rai. The petitioners are in custody since 14.06.2021, 17.06.2021 and 10.01.2022 respectively.

Learned APP opposes the prayer for bail submitting



that during investigation witnesses have specifically named the petitioner Naresh Ray and Prakash Ray, who slit throats of Vinod Rai and Ranjit Rai. Postmortem report also supports the prosecution case as the injuries were attracted the allegations made against these two petitioners.

Perused the record.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation of any overt act against the petitioners namely **1. Vinda Rai and 2. Mangan Rai @ Ashok Rai** and also considering their period of custody, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/Court concerned, Banka in connection with Katoriya P.S. Case No. 153 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of



the petitioners will be liable to be cancelled by the court concerned.

However, further considering the fact that there is specific allegation against the petitioners **Naresh Rai** and **Prakash Rai** and also considering the gravity of allegation, I am not inclined to enlarge the petitioners **Naresh Rai** and **Prakash Rai** on bail. Hence, their prayer for bail is rejected.

Learned trial court is directed to conclude the trial at the earliest.

(Arun Kumar Jha, J)

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