

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10234 of 2022

Arising Out of PS. Case No.-226 Year-2020 Thana- KADWA District- Katihar

1. MOTI RAI @ GODA RAI Son of Late Dahi Lal Rai Resident of Village - Badwabari, P.s.- Kadwa, Distt.- Katihar.
2. Bablu Rai Son of Moti Rai @ Goda Rai Resident of Village - Badwabari, P.s.- Kadwa, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-07-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 302 and other allied sections of the Indian Penal Code.

Allegedly, both petitioners and other accused persons being ten in number firstly abusing and assaulting informant's father and he was forcibly taken to school premises and thereafter he was assaulted by means of *lathi* and sharp cutting weapon as a result of which he became badly injured and consequently died.

The main submissions advanced by the learned counsel



for the petitioners are that petitioners have been languishing in jail since 14.10.2020 having clean antecedent and three co-accused persons, namely, Sanjay Rai, Shambhu Rai and Dhiren Rai have been granted bail by a bench of this court vide order passed in Cr. Misc. no. 33173 of 2021 and case of the petitioners is of similar footing with the aforesaid accused persons.

Learned APP opposes the prayer for bail.

Heard both sides and perused the FIR. The allegation appearing against petitioner no.1 Moti Rai @ Goda Rai is of similar nature like co-accused persons who have been granted bail vide order passed in the above mentioned miscellaneous case. Accordingly, petitioner no.1 Moti Rai @ Goda Rai is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Ist Class, Katihar in Kadwa P.S Case No. 226 of 2020.

So far as petitioner no.2 Bablu Rai is concerned, there is specific allegation of having assaulted the deceased by means of *lathi* during commission of murder.

Considering the nature of the allegation appearing against petitioner no.2 which shows his specific role in the commission of alleged murder, in my view, petitioner no.2 does not deserve privilege of bail and accordingly, his prayer for bail stands rejected.

According to petitioner's counsel, charge sheet has been



submitted against the petitioners and case is under trial.

The trial court is directed to expedite the trial of petitioner no.2 so as to conclude within next six months. If trial is not completed within the said stipulated period, he may renew his prayer for bail.

(Shailendra Singh, J)

s.hassan/-

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