

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26835 of 2021**

Arising Out of PS. Case No.-254 Year-2020 Thana- KOTWA District- East Champaran

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Ravindra Rai Son Of Sita Rai @ Sitaram Rai R/O Village- Jagir Karariya,  
P.S- Kotwa, Dist- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

6      09-02-2022                      Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the  
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the  
complete start of the physical Court in normal course.

The petitioner, who is in custody since 21.01.2021,  
seeks regular bail in connection with Kotwa P.S. Case No.  
254/2020, for the offence punishable under Sections 302/34 of  
the Indian Penal Code.

The prosecution case, in brief, is that the mother of  
the informant died on 24.07.2020. It is alleged that at about 3.00  
am the informant heard some noise of his mother upon which  
the informant came and saw that four persons were trying to  
flew away from his house. Out of four persons the informant

identified two persons namely, Ravindra Rai and Rampravesh Rai. Postmortem was conducted and the cause of death has been opined by the doctor is due to asphyxia caused by throttling by hand.

Learned counsel appearing on behalf of the petitioner submits that the independent witnesses have not supported the prosecution story that the present petitioner along with other co-accused has committed murder of the informant's mother Dahau Devi rather all of them have stated and also appear from several paragraph of the case diary particularly paragraph no. 33, 37 and 38 that the mother of the informant died by the natural death and complicity of the petitioner in the alleged murder of the petitioner is not. Learned counsel for the petitioner further submits that both the parties have compromised.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and the petitioner has submitted from the very perusal of the postmortem it is evident that cause of death due to asphyxia cause of mouth throttling by hand and the petitioner was seen alongwith one Ram Pravesh Rai fleeing away from his house. The said fact is also supported by one independent witness Zamuna Roy whose statement has been recorded in para-10 of the case diary. He

further submits that the intention is also clear from the fact that there was a case and counter case just one month before between the two parties and previous enmity also suggest that the petitioner alongwith other co-accused has throttled the murder of the deceased which caused death. He further submits that if the petitioner is released on bail, he will tamper with evidence and influence the witnesses.

Having considered the rival submission and the material which has surfaced in the case diary as well as the postmortem report, it appears that injury of the deceased victim is sufficient to establish that nature of case of death is due to throttling. The informant has seen the petitioner fleeing away from his house alongwith another co-accused to whom he has identified and other independent witness has also seen. The prosecution has established prima facie at this stage the involvement of the petitioner in the alleged murder of the mother of the informant.

Considering the nature of allegation made in the F.I.R., materials surfaced in course of investigation and gravity of offence, I am not inclined to enlarge the petitioner on bail at this stage.

It is expected of the Court below to conclude the trial

expeditiously, preferably within a period of one year.

If the petitioner so advised may renew his prayer for bail after one year, if no substantial progress takes place in the trial.

**(Purnendu Singh, J)**

ravishankar/-

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