

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18033 of 2022

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

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RAJA KUMAR RAI @ CHIKUWA Son of Moti Rai @ Goda Rai Resident of
Village - Badua Badi, P.s.- Kadwa, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 23-12-2022 No one appears for the petitioner. Learned A.P.P. for
the State is present through video conferencing.

The petitioner has preferred this application for grant of
regular bail in a case registered under sections 302, 341, 323, 504,
506 and 34 of the Indian Penal Code

As per the prosecution case, It is stated by the informant
that as a result of dispute between the members of the larger
family, the accused persons including the petitioner herein who
happen to be the son-in-law of the elder brother of her father
started to abuse/assault and make incorrect allegations against
them. Subsequently it is stated that in the assault by the accused
persons the petitioner came armed with a *garhail* and struck the
informant's father a number of times on his chest and stomach
resulting in the informant's father sustaining grievous injuries. On



being taken to the hospital, he was declared dead.

From the contents of the petitioner it transpires that the case of the petitioner is that the petitioner has been falsely implicated in the case because of land dispute between the parties for which the parties have also contested a title suit. The post-mortem report does not support the allegations leveled in the FIR. The informant being a child aged 14 years has given a tutored statement. A number of co-accused have been enlarged on bail. The petitioner is in custody since 14.10.2020 and has no criminal antecedent charge-sheet has been submitted in the case.

Having heard learned A.P.P. for the State and having perused the material on record, it transpires that there is specific allegation against the petitioner of having given repeated *garail* blow on the father of the informant and the said allegations are supported from the contents of the post-mortem report as also the opinion of the doctor therein with respect to the cause of death.

In view of the petitioner being the assailant of the deceased, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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