

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54539 of 2021

Arising Out of PS. Case No.-97 Year-2021 Thana- KADWA District- Katihar

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BIPIN RAY @ VIPIN RAY Son of Moti Lal Ray Resident of Village-
Dhangama, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the Informant	:	Mr. Satya Narayan Yadav, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Kadwa
P.S. Case No. 97 of 2021 giving rise to Sessions Trial No. 241
of 2021 instituted for the offences under Sections 302 and 34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 18.04.2021, is a person with clean
antecedent, charge-sheet has been submitted in the case and
charges have been framed.

Learned counsel for the petitioner submits that the
informant alleges that her husband was assaulted by the
petitioner along with named accused persons with *lathi, bhala,*



kulhari, etc., further the informant, her brother-in-law and nephew tried to save the deceased but accused persons did not relent and kept assaulting the deceased till he became unconscious and died while reaching village Chouki. It is further alleged that reason for the occurrence is that the deceased wanted the P.C.C. road to be made broader which was objected by Sonelal and other accused persons.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, he is own nephew of the deceased and prior to the present case, the wife of the petitioner and his son had also instituted cases against the deceased and his family members. Learned counsel further submits that the F.I.R. is completely silent with respect to the relationship of the informant with the petitioner, when petitioner is own nephew of the informant. It is submitted by the learned counsel for the petitioner that the informant has tried to create an impression in the F.I.R. that Sonelal Rai was objecting the broadening of the P.C.C. road as a result of which he along with other named accused persons assaulted the deceased when the petitioner has absolutely no role in the occurrence and the informant taking advantage of the situation, falsely implicated her own nephew as litigation was going on between the family



of the informant and the petitioner. Learned counsel further submits that though it is alleged that ten persons assaulted with *lathi, bhala, kulhari* and sharp-edged weapon but from perusal of the postmortem report it would manifest that wounds are lacerated, which also belies the allegation that the deceased was assaulted by sharp-edged weapon. Learned counsel thus submits that the fact that the informant concealed the relationship of the petitioner in the F.I.R., that in itself demonstrates that the petitioner has been implicated with an ulterior motive.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that the informant is an eye-witness to the occurrence and he has named the petitioner along with other accused persons subsequently, but is not able to meet the submission made by the learned counsel for the petitioner that as to why the relationship of the informant with the petitioner was concealed when the family was on litigating terms as aforesaid.

Considering the fact that the petitioner is in custody since 18.04.2021, is a person with clean antecedent, charges have been framed and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner



above named is directed to be released on bail 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 Judge, Katihar in connection with Kadwa P.S. Case No. 97 of 2021.

If the learned court below comes to a conclusion that the trial is being delayed by the petitioner then in that event, the court below shall forthwith cancel his bail bonds.

(Satyavrat Verma, J)

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