

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58932 of 2021

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

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Sona Lal Rai S/O Late Guris Rai 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	:	Ms. Kumari Sujata Sinha
For the State	:	Mr. Nand Kishore Prasad
For the Informant	:	Mr. Suresh Prasad Sah
		Mr. Satya Narayan Yadav
		Mr. Bal Krishna Mishra

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-03-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in connection with Kadwa P.
S. Case No.97 of 2021 giving rise to S. Tr. No.241 of 2021,
instituted for the offences under Section 302/ 34 of the Indian
Penal Code.

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

The learned counsel for the petitioner further submits
that the informant alleges that her husband was assaulted by the



petitioner along with named accused persons with lathi, spear, axe etc. Further, the informant, her brother-in-law and nephew tried to save the deceased, but the 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 the reason for the occurrence is that the deceased wanted the P.C.C. road to be made broader which was objected by this petitioner and other accused persons.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, is a neighbour and related to the deceased. It is further submitted that the wife and son of Bipin Ray @ Vipin Ray had also instituted cases against the deceased and his family members. The learned counsel further submits that the F.I.R. is completely silent with respect to the relationship of the informant with the petitioner. It is further submitted that the informant has tried to create an impression in the F.I.R. that petitioner was objecting the broadening of the P.C.C. road as a result of which, he along with other named accused assaulted the deceased when the petitioner has absolutely no role in the occurrence. It is submitted that the broadening of the P.C.C. road would have helped the petitioner also.



The learned counsel further submits that in the F.I.R., it is alleged that 10 persons assaulted with lathi, spear, axe and sharp edged weapon, but from perusal of the post mortem report, it would manifest that wounds are lacerated which also belies the allegation that the deceased was assaulted by sharp edged weapon. It is further submitted that co-accused Bipin Ray @ Vipin Ray has been granted bail by order dated 28.02.2022 in Cr. Misc. No.54539 of 2021.

Learned counsel for the informant as well as learned A.P.P. for the State vehemently opposes the bail application. The learned counsel for the informant submits that the informant is an eye witness to the occurrence and has named the petitioner along with other named accused persons, but is not able to meet the submissions made by the learned counsel for the petitioner that the post mortem report does not corroborate the allegation as alleged in the F.I.R.

Considering the fact that the petitioner is in custody, he 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 his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned
Sessions Judge, Katihar in connection with S. Tr. No.241 of
2021 arising out of Kadwa P. S. Case No.97 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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