

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51203 of 2022

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

1. RAMESH RAI S/o Late Harimohan Rai @ Dhodhai Roy Resident of Bharrihat, P.S.- Kadwa, District- Katihar
2. Kanhaiya Rai S/o Sudam Ray Resident of Bharrihat, P.S.- Kadwa, District- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 13.10.2020, all the FIR named accused persons, including the petitioners, came to her house variously armed and brutally assaulted her father, further co-accused Raja Rai @ Chikua assaulted her father on his chest and abdomen by a sharp edged weapon on account of which he died on his way to



hospital.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that police after investigation submitted charge-sheet against all the accused persons but with respect to the petitioners and one accused Suren Rai, Final Form No. 270 of 2020 dated 21.12.2020 came to be submitted. Learned counsel submits that the learned trial court differing with the police report took cognizance of the offences against the petitioners, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that specific allegation of assault is against Raja Rai and as far as these petitioners are concerned, allegation against them is general and omnibus in nature and even the police during the course of investigation did not find any material to even remotely connect them with the offence and thus submitted final form in their favour but the learned trial court based on the same investigation took cognizance of the offences, thus it is submitted that sending the petitioners to jail merely because cognizance has been taken, based on the same investigation which has found the petitioners to be innocent, will amount to travesty of justice.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kadwa P.S. Case No. 226 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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