

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11099 of 2023

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

BABLU RAI Son of Moti Rai @ Goda Rai R/V- Badwabari, P.S- Kadwa,
Dist- 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.Anil Kumar, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Kadwa P.S. Case No. 226 of 2020 registered for the offences
punishable under Sections 341, 323, 504, 506, 302, 34 of the
Indian Penal Code.

As per the prosecution, the informant alleged that this
petitioner along with other co-accused persons assaulted the
informant's father by means of lathi and sharp cutting weapon
etc., as a result to which, he succumbed to the injuries.

The main submissions advanced by the learned
counsel Mr. Bhola Prasad for the petitioner are that the
petitioner along with Moti Rai @ Goda Rai earlier preferred Cr.
Misc. No.10234 of 2022 for the relief of regular bail which was



rejected by this Court on 06.07.2022 with giving him a liberty to renew his prayer after six months, if his trial is not completed in the said period and now Bablu Rai (petitioner) again filed the instant criminal miscellaneous petition for the same relief as petitioner's trial is still running and no significant change regarding the stage of trial of the petitioner has taken place and the stage of trial of the petitioner is same as when the earlier criminal miscellaneous petition was rejected by this Court. Further submission is that three co-accused persons who are named in the FIR have already been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.33173 of 2021 and one co-accused namely Moti Rai @ Goda Rai has been granted bail by this Bench and as per the allegation made in the FIR, the petitioner was simply alleged to have inflicted a lathi blow on the deceased but the main allegation is against co-accused Raja Rai @ Chikua and the petitioner has been anguishing in jail since 14.10.2020.

Learned APP Mr. Anil Kumar appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly considering the petitioner's custody period and also the prosecution's lingering attitude in completing the petitioner's



trial, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Kadwa P.S. Case No. 226 of 2020.

(Shailendra Singh, J)

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