

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44533 of 2022

Arising Out of PS. Case No.-257 Year-2020 Thana- KUDHNI District- Muzaffarpur

SATAN RAI @ SATNARAYAN RAY SON OF LATE YADU RAI R/O
VILLAGE- DHODHI RATAN, P.S.- KUDHANI, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Kudhani (Fakuli O.P.) P.S. Case No. 257 of 2020 registered for
the offences punishable under Sections 302/34 of the Indian
Penal Code.

As per prosecution case, petitioner and others
attacked the informant's father by sharp weapon. It is further
alleged that co-accused Ganour Rai assaulted informant's father
on the back portion of head by sharp edge weapon and
petitioner was alleged to have assaulted him by means of sword



upon the head of informant's father (since deceased).

Learned counsel for the petitioner submits that petitioner is in custody since 08.04.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has committed no offence as alleged in the F.I.R. There is a joint allegation of assault on co-accused Ganour Rai and present petitioner and thereafter, it is separately alleged that co-accused Ganaour Rai assaulted the informant's father on back portion of his head by means of sharp edge weapon and present petitioner also assaulted informant's father by means of sword on his head. There are two assailants and three blows, one blow is combined and two separate blows by the petitioner and co-accused Ganour Rai by sharp edge weapon on the head of informant's father but postmortem report shows that there is only one injury which is caused by hard and blunt substance in this regard the postmortem report does not support the story of prosecution. Learned counsel further submits that co-accused Ganour Rai has already been granted bail vide Cr. Misc. No. 7695 of 2021 by a co-ordinate bench of this Court and the case of present petitioner stands on similar



footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, co-accused Ganour Rai on similar allegation has already been granted bail, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st (West), Muzaffarpur in connection with Kudhani (Fakuli O.P.) P.S. Case No. 257 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and if he fails to do so without appropriate permission of trial court, his bail bond shall



be cancelled by the trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

