

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58538 of 2023

Arising Out of PS. Case No.-153 Year-2023 Thana- BANIAPUR District- Saran

Ranjay Rai, S/O Kameshwar Ray, Village- Sohail Gajan, Ps- Baniyapur, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59676 of 2023

Arising Out of PS. Case No.-153 Year-2023 Thana- BANIAPUR District- Saran

Raju Ray @ Navin Rya @ Navin Kumar, Son Of Shri Surendra Ray @ Surendra Singh, Resident Of Village- And Po- Sohail Gajan, Ps- Baniyapur, Dist- Saran At Chapra Present Address- R/V- Rz 66a Jain Colony, Part 1, Mohan Garden, West Delhi Pin Code 110069

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58538 of 2023)

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 59676 of 2023)

For the Petitioner/s : Mr. Bimal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners seek bail in
connection with Baniyapur P.S. Case No. 153 of 2023 registered
for the alleged offences under Sections 341, 232, 324, 307 and



34 of the Indian Penal Code.

3. As per prosecution case, some altercation took place between two groups and the husband of the informant intervened to pacify the matter and he was caught hold of by the petitioners and stabbed by co-accused Dhananjay Rai with knife. Due to stabbing, the husband of the informant got injured and later on died in course of his treatment.

4. The learned counsel appearing on behalf of the petitioner Ranjay Rai submits that petitioner is innocent and has been falsely implicated in this case. There is specific allegation against this petitioner and it appears from the FIR that the informant is not an eye-witness. The allegation of stabbing is against co-accused Dhananjay Rai and only allegation against this petitioner is that he caught hold of the deceased. Moreover, one of the witnesses examined, namely, Bikesh has merely stated that this petitioner assaulted the deceased with *danda*. But it is surprising that the witness who is the brother of the deceased did not intervene in the matter. At the same time the name of this petitioner is Ranjay Rai but this witness named him as Sanjay Rai, it shows that the said witness has not seen the occurrence. Learned counsel further submits that even from the FIR, specific allegation of catching hold of the informant is



against Raju Rai and the allegation of stabbing is against Dhananjay Rai. Petitioner is in custody since 09.05.2023 and charge-sheet has been submitted.

5. Learned counsel appearing on behalf of petitioner Raju Rai submits that the petitioner has been falsely implicated in this case. The marriage of the sister of the petitioner was taking place and some quarrel took place between two groups. The occurrence did not take place in front of the house of the petitioner. The co-accused Dhananjay Rai, who is cousin of this petitioner, telephoned the police station and police force came at the house of the petitioner and in the police protection, the rituals of marriage took place. Some other persons has pelted stone and bricks upon the *barati* and their vehicles. Learned counsel reiterated that the informant is not an eye witness and the brother of the informant, who was examined by police during investigation has merely stated that this petitioner pushed the husband of the informant and no allegation has been levelled against this petitioner. Learned counsel further submits that post-mortem report shows only one injury to the deceased in his abdomen and the said injury caused by Dhananjay Rai. Learned counsel further submits that petitioner is residing at Delhi for last three generations and he has been working there in a



reputed company. Petitioner is in custody since 08.05.2023 and charge-sheet has been submitted.

6. Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioners is that they caught hold of the deceased and co-accused stabbed him.

7. Perused the records.

8. Having regard to the facts and circumstance and submissions made hereinabove and considering the different account of the occurrence and further considering the non-serious nature of allegation against the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra/court concerned in connection with Baniyapur P.S. Case No. 153 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.



(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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