

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58600 of 2024**

Arising Out of PS. Case No.-223 Year-2022 Thana- HATHAURI District- Muzaffarpur

Raj Karan Ray @ Ramkaran Rai @ Rajkaran Rai Son of Late Rajendra Ray
Resident of Village - Jagarnathpur, P.S. - Hathauri, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 04-10-2024 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The present petition has been filed for
grant of regular bail in connection with Hathauri
P.S. Case No. 223 of 2022, registered for the
offences punishable under Sections 302/34 of the
Indian Penal Code.

3. The case of the prosecution, in brief,
according to the informant, is that one Kanti
Kumari used to live with her maternal grand
mother, namely, Ishari Devi, who is the informant



of the present case and on the alleged date of occurrence, an altercation had taken in between the grand daughter of the informant and the five named accused persons, including the petitioner herein, whereafter, the accused persons, including the petitioner herein had abused and assaulted the grand daughter of the informant, resulting in her death.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case as also he is having a clean antecedent. The learned counsel for the petitioner has further submitted that though the allegation is regarding the petitioner and others having brutally beaten the grand-daughter of the informant leading to her death, however, a bare perusal of the inquest report and the postmortem report would show that there are no marks of injury on the body of the deceased and only one ligature mark has been found on the upper part of the neck which is obliquely going upward. It is also submitted that



the doctor who has conducted the postmortem of the deceased has opined that the deceased has died due to asphyxia caused by hanging. Lastly, it is submitted that the case, as put forth by the prosecution, is not supported by the inquest report/postmortem report.

5. *Per contra*, the learned A.P.P. for the State has submitted, by referring to the case diary, that the witnesses have supported the prosecution story, however, has not been able to deny the fact that the postmortem report is not in consonance with the prosecution version inasmuch as admittedly no injuries have been found on the body of the deceased.

6. I have heard the learned counsel for the parties, considered the submissions advanced by the learned counsel for the parties and taken into account the materials available on record as also in the case diary, from which it is apparent that though the allegation levelled against the petitioner and others is of having brutally assaulted the grand daughter of the informant



leading to her death, however, the inquest report and the postmortem report, annexed to the case diary, would show that no injury has been found on the person of the deceased and in fact the doctor conducting the postmortem report has opined that the deceased has died due to asphyxia caused by hanging, hence this Court is of the view that prima facie the version as narrated by the informant in the FIR is not supported by the medical evidence. Thus, I find that benefit of doubt can be given to the petitioner for the purposes of grant of regular bail, more so since he is having a clean antecedent and is languishing in custody since about six months as also the police has already filed the charge sheet and investigation is more or less complete.

7. Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class (East), Court No. 10,



Muzaffarpur in connection with Hathauri P.S. Case
No. 223 of 2022.

(Mohit Kumar Shah, J)

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