

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28126 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- BALIA BELON District- Katihar

Kalu Ray @ Kaly Roy Son of Late Tepla Roy Resident of Village- Singhrol,
P.S.- Baliya Belon, District- Katihar (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Md. Fahimuddin, APP
For the Informant	:	Mr. Najeeb Ahmad, Adv.
		Mr. Thakur Brajesh Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.
Perused the case diary.

2. The petitioner seeks bail in connection with Baliya Belon P.S. Case No. 36 of 2024 instituted for the offences under Sections 341, 323, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code and later on added Section 302 of the Indian Penal Code.

3. As per prosecution case, the accused persons including the petitioner have assaulted one Sotish Rai, father of the Informant, with kicks, fists, *lathi* and dagger due to which he sustained injuries and in course of treatment, he succumbed to



his injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Both the parties are next door neighbour and there is a land dispute between them. He further submits that there is delay of eight days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The specific allegation of assault by knife is upon the co-accused Mangna Rai. The petitioner has no criminal antecedent and is languishing in judicial custody since 15.05.2024 without any rhymes or reason.

5. Learned counsel for the petitioners again submits that several co-accused have already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 11.09.2024 passed in Cr. Misc. No. 57396 of 2024.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The Investigating Officer, after completion of



investigation, has submitted charge-sheet under Section 302 along with other sections of the Indian Penal Code against the petitioner and others.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baliya Belon P.S. Case No. 36 of 2024.

(Rudra Prakash Mishra, J)

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