

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29139 of 2025

Arising Out of PS. Case No.-7 Year-2018 Thana- SARAIYA District- Muzaffarpur

Raj Kishor Rai S/o Late Jawahar Rai R/o vill - Sujawalpur, P.S.- Saraiya,
Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr.Mohammed Arif, APP

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

ORAL ORDER

3 12-08-2025 Heard learned counsel for the petitioner and learned APP

for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Saraiya P.S. Case No. 07 of 2018 instituted for the offence under Sections 341, 342, 346, 323, 324, 307, 504, 506 & 34 of the Indian Penal Code (for short 'IPC'). Subsequently, Section 302 of the IPC was added.

3. On 05.01.2018 at about 5:00 A.M., the petitioner and five others allegedly abducted Yashwant Kumar over an old dispute, confined him in a double-storey building, tied his hands and legs, and assaulted him with a sword and iron rod, causing serious injuries. When the informant's family tried to intervene, the accused allegedly attempted to attack them as well.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15-12-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case due to prior disputes between the deceased and his brother, co-accused Jai Narayan Rai, including land issues and allegations of harassment of the brother's wife. Petitioner's counsel contends no such incident occurred and instead alleges the deceased had attempted to rape his sister-in-law on 05.01.2018, leading to a separate case against the deceased. The FIR was lodged belatedly after deliberation, and no incriminating material or genuine injured statement exists, indicating fabrication. The learned counsel for the petitioner highlights contradictions in the investigation, suppression of the earlier information, and absence of any specific overt act against him. He further notes that the deceased died seven days after the incident, showing lack of intent to kill, and that a co-accused has already been granted bail by a Co-ordinate Bench of this Court vide order dated 15-05-2019, passed in Cr. Misc. No. 32037 of 2019.



6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Witnesses have supported the prosecution case. As per postmortem report, cause of death is due to cranio cerebral damage and its complications from head injuries caused by heavy sharp edged weapon. Referring to impugned order, it is submitted that cognizance is taken in this case by the court below.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no direct allegation against the petitioner and claim based on parity this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, 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 Saraiya P.S. Case No. 07 of 2018, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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