

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70321 of 2024

Arising Out of PS. Case No.-288 Year-2022 Thana- KATEYA District- Gopalganj

Golu Roy @ Amrit Raj Rai @ Golu Rai @ Amrit Raj Son of Munna Roy @
Ranjan Rai Resident of Village - Motipur, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Kateya P.S. Case No. 288 of 2022 for the offence punishable under Sections 147, 148, 341, 323, 307, 504 and 302 of the Indian Penal Code lodged on 29.06.2022 by the informant, Sagar Chauhan.

3. As per the prosecution story, the administration had gone there to remove the encroachment from the land. As the accused pelted stones, the administration reiterated. Infuriated that the informant's side informed the administration to get the encroachment clear, they were assaulted. This led to the F.I.R.

4. Learned counsel for the petitioner submits that though allegation is against this petitioner, the same was on sudden provocation, there was no intention to kill the person



concerned and has already remained in custody since 10.05.2023 (paragraph-13 of the petition) having no criminal antecedent.

5. Earlier, the bail application of the petitioner was rejected in Cr. Misc. No. 53070 of 2023 on 21.08.2023 with a direction to the learned trial Court to expedite the trial and conclude the same preferably within a period of one year.

6. Subsequently, a report was called for which has come vide letter no. 93/08.10.2024, according to which, charges have been framed and the case is pending for the prosecution witness.

7. Learned counsel for the petitioner further submits that if granted relief, he shall be diligently appearing in trial and failure to do so, the Court concerned shall be free to take steps for cancellation of his bail bonds.

8. Learned APP opposes the prayer for bail submitting that he was the person concerned for the assault on Sahodar Chauhan who succumbed to the injuries.

9. Though allegation is there against the petitioner, the fact remains that there is suddenness in the said assault and the intention is missing, has already remained in custody for one and a half years, has no criminal antecedent, the trial is not



likely to be concluded in near future and an undertaking has been given that he shall be diligently appearing in it, in that background, this Court is inclined to extend him the privilege of bail with conditions.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-XVI, Gopalganj, in connection with Kateya P.S. Case No. 288 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

11. Nothing recorded in this order shall be taken up
for consideration at the time of trial as the same has been
observed only for considering the present bail application.

(Rajiv Roy, J)

Adnan/-

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