

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71109 of 2024

Arising Out of PS. Case No.-122 Year-2012 Thana- KATEYA District- Gopalganj

Satendra Rai @ Satndra Roy @ Satendr Rai Son of Sampat Rai Resident of
Village- Pathkhauli, P.S.- Sidhwania Baghai Bazar, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Harshvardhan, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kateya P.S. Case No. 122 of 2012, registered for the alleged offences under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner and other co-accused persons making an unlawful assembly entered into the house of the informant and confined his son, daughter and daughter-in-law in a room and dragged out other son of the informant to verandah and co-accused Navratan Rai shot at the son of the informant in his abdomen and thereafter, the assailant fled away from the spot. The son of the informant was taken to



hospital but died within 10 minutes thereafter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The police investigated the matter and submitted final form against the accused persons including the petitioner but the learned C.J.M., Gopalganj did not accept the final form and took cognizance under Sections 302,120B/34 of the Indian Penal Code and Section 27 of the Arms Act against the petitioner and other co-accused persons. Learned counsel further submits that during investigation it has come to notice that the son of the informant happens to have received accidental firearm injury and it has also come in the investigation that only the deceased and his friend Amod Wari were present in the room at the relevant time. The informant is not an eye witness and only his daughter and daughter-in-law were present and this fact has been reiterated by a number of witnesses examined during investigation. No one saw the petitioner and other co-accused persons entering or leaving the house of the informant. However, friend of the deceased Amod Wari was seen running away from the house of the informant. The informant did not record any statement immediately after his son received gun shot injury. Thereafter, the fardbeyan was recorded next day and



FIR was registered on the same day. There is no explanation for delay in lodging the FIR. These facts make it apparent that the FIR has been has been lodged after due deliberation and fabrication of the case. Learned counsel further submits that the petitioner and other co-accused persons are agnates and taking advantage of the occurrence, the informant has falsely implicated the petitioner and his family members in the present case. The petitioner is having clean antecedent and he is in custody 01.08.2024.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is named in the FIR and he was member of a mob which attacked the son of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the closure report of the police against the petitioner and others and considering the doubtful nature of case against the petitioner, period of custody of the petitioner and submission of charge sheet, 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 Additional Sessions Judge-X, Gapalganj/concerned



Court in connection with Kateya P.S. Case No. 122 of 2012, 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 petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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