

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86204 of 2024

Arising Out of PS. Case No.-226 Year-2020 Thana- KADWA District- Katihar

=====

Raja Kumar Rai @ Chikuwa @ Raja Rai S/O Moti Rai @ Goda Rai Resident
of Village- Badua Badi, P.S.- Kadwa, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
		Mr. Indrajeet Kumar, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-01-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no. 92 of 2023, arising out of Kadwa P.S Case no.226 of 2020 registered under sections 302, 341, 323, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that as a result of dispute between the members of the larger family, the accused persons including the petitioner herein who happen to be the son-in-law of the elder brother of her father started to abuse/assault and make incorrect allegations against them. Subsequently it is stated that in the assault by the accused persons the petitioner came armed with a *garhail* and struck the informant's father a number of times on his chest and stomach resulting in the informant's father sustaining grievous injuries. On



being taken to the hospital, he was declared dead.

4. Learned counsel for the petitioner submits that the earlier applications for bail of the petitioner were rejected vide orders dated 23.12.2022 passed in Cr. Misc. no.18033 of 2022 and dated 15.12.2023 passed in Cr. Misc. no. 75189 of 2023 directing the learned Court below to expedite the trial. In spite of the petitioner having remained in custody since 14.10.2020, the trial has still not concluded nor is there any chance of the same concluding in the near future. The petitioner undertakes to cooperate in the trial.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 20.12.2024, six out of nine prosecution witnesses have been examined.

7. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner, the trial not having been concluded in the learned trial Court and specially the petitioner having remained in custody for over 4 years 4 months since 14.10.2020, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 92 of 2023 (arising out of Kadwa P.S Case no.226 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of the learned Additional District and Sessions Judge Vth, Katihar on the following conditions :-

(I) The petitioner shall remain physically present in the learned trial Court on each date and shall cooperate in the trial.

(II) In case the petitioner remains absent on any single date for reasons not to the satisfaction of the learned trial Court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

Shiv/-

U		T	
---	--	---	--

