

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88633 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- PIPRAKOTHI District- East Champaran

Raj Kishor Roy @ Raj Kishor Kumar S/o Mishri Ray R/o vill - Saraiya, P.O-
Dhekaha Bazar, P.S. - Piprakothi, Distt.- East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohd Rustam Hussain, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 07-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Learned counsel for the petitioner seeks permission to correct the name of the petitioner in the cause title as well as in the *Vakalatnama* executed on behalf of petitioner. Permission is granted.

3. The petitioner seeks bail in connection with Piprakothi P.S. Case No. 178 of 2024 dated 24.08.2024, instituted for the offence punishable under Sections 126(2), 115, 109, 74, 303(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

4. As per the prosecution case, the petitioner along with other accused persons were committing loot-pat in the house of the informant and when the informant's son made objection, petitioner and other accused persons assaulted the



informant's wife, sons and daughter.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is a specific allegation against co-accused Awadh Kishore Rai that he assaulted with iron rod on the head of informant's son due to which he sustained head injury. Petitioner (Raj Kishor Roy) assaulted the wife of informant with iron rod due to which she sustained injury. It is further stated that both the parties are agnates. There is a case and counter case between the parties. Counter case bearing Piprakoti P.S. Case No. 186 of 2024 has been lodged by the petitioner's side against the informant for the same occurrence. It is also submitted that the informant and the petitioner filed a joint compromise petition before the learned Court of Judicial Magistrate, 1st Class, Motihari, East Champaran seeking permission of the court to compromise the case outside the Court. It is further submitted that similarly situated co-accused persons namely, Kamal Kishor Rai and Awadh Kishor Rai have been granted bail *vide* order dated 08.01.2025 passed by this court in Criminal Miscellaneous No. 89558 of 2024. Lastly, it has been submitted that the petitioner is in custody since 19.09.2024 having no criminal antecedents



and charge-sheet has been submitted in the case.

6. Learned A.P.P. has opposed the prayer for bail of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, East Champaran, Motihari in Piprakothi P.S. Case No. 178 of 2024.

(Khatim Reza, J)

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