

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19253 of 2017

Arising Out of PS.Case No. -340 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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Dineshwar Ray @ Dinekhar Roy Son of Late Luchai Ray Resident of
Village - Khargama, P.S. - Phulparas, District - Madhubani.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 29-06-2017 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner seeks bail in connection with Phulparas
P.S. Case No. 340 of 2016 registered for the offences punishable
under Sections 341, 323, 302, 504/34 of the Indian Penal Code.

Allegedly, the petitioner due to trivial dispute got down
the husband of the informant after catching his neck and started
assaulting with ankle and when the informant went to rescue other
co-accused started assaulting her and husband with ankle and fat.
Thereafter, the husband of the informant was brought for
treatment and seeing the condition serious he was referred from
Phulparas to DMCH but in the way he succumbed to the injuries.

Submission is of false implication due to land dispute,
there is no specific allegation against the petitioner, the petitioner



has not assaulted with any weapon, as a matter of fact the husband of the informant was attacked by she buffalo and due to same he sustained injury and died later on. During post mortem no external injury has been found by the doctor on the person of the informant except swelling and bruises on left side of the chest which is possible due to attack by she buffalo, against the petitioner there is no specific allegation, the petitioner is suffering in custody since 22.11.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such he deserves sympathetic consideration.

Learned APP opposes the prayer of bail by submitting that the petitioner is also named in the FIR.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 340 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned



and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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