

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63319 of 2019

Arising Out of PS. Case No.-161 Year-2019 Thana- PARSA District- Saran

PRAMOD RAY Son of Anandi Ray Resident of Village - Fatehpur, P.S.-
Parsa, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh

Mr.Arvind Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 26-11-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Parsa Police Station Case No. 161 of 2019, registered for the offence punishable under Sections 302/120B of the Indian Penal Code.

The prosecution story, as per the First Information Report, is that the informant, on the basis of information received from the friend of his son (deceased), namely Guddu Kumar, has alleged that on the date of occurrence, his son along with his friend had gone to meet a girl, Kavita Kumari, daughter of Bisheshwar Rai. It has further been alleged that the two brother of Kavita Kumari, namely Vikash Kumar and Dharmendra Kumar, along with her mother and sister, Kavita



Kumari, caught hold of the son of the informant, assaulted him and made him captive in their house and when the informant got information regarding this fact from the friend of his son, he visited the residence of the accused persons, who told him that his son had already gone from their house and subsequently the dead body of the son of the informant was found near Fatehpur village, having injury marks on his body.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case inasmuch as the First Information Report is based upon the statement of Guddu Kumar, who had accompanied the deceased on the alleged date of occurrence and from perusal of the First Information Report, it is evident that the First Information Report is in two parts; the first part says that the deceased was made captive and assaulted by the accused persons and in the second part, it has been alleged that when the informant arrived at the residence of the accused persons, he was told by the accused persons that the deceased has already gone from their house. He further submits that no overt act has been alleged against the petitioner and the eye-witness to the first part of the occurrence has only disclosed the names of four accused persons and not the name of the petitioner. He further submits



that the petitioner, having no criminal antecedent, is in judicial custody since 24.05.2019.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that in the first part of the occurrence, the name of the petitioner has not been disclosed by the eye-witness, Guddu Kumar, and in connection with this case, the petitioner is in custody since 24.05.2019, having no criminal antecedent, I am inclined to enlarge the petitioner on bail.

This application is, accordingly, allowed.

Let the petitioner, Pramod Ray, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Chief Judicial Magistrate, Saran, at Chapra, in connection with Parsa Police Station Case No. 161 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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