

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87444 of 2019

Arising Out of PS. Case No.-342 Year-2018 Thana- TAJPUR District- Samastipur

SUBHASH KUMAR RAY @ SUBASH KUMAR, Son of Ramdayal Rai,
Resident of Village - Bishunpur Bathua, P.S - Pusa, District - Samastipur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aprajita, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 07-10-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34, 120B of the Indian Penal Code and Section 27 of the Arms Act.

Three unknown criminals on a motorcycle fired at the husband of the informant as a result whereof he died.

Learned counsel for the petitioner submits that there is no eyewitness of the occurrence to have identified any of the assailants, rather suspicion is there against the petitioner for old land dispute. The petitioner is in custody since 07.09.2018.

It appears that earlier the petitioner had moved for bail in Cr. Misc. No. 11320 of 2019 and prayer was allowed on



06.05.2019 with direction to the learned court below to verify whether the petitioner is accused in two other criminal cases as was pointed out by the informant at that time and not stated by the petitioner in bail petition and only on verification the bail bond was to be accepted.

On verification, it was found that the petitioner had two criminal cases which was suppressed by the petitioner on earlier occasion. Now the petitioner has disclosed his criminal antecedent in prar 3 of the bail petition.

In my view, for the act of suppression of fact, the petitioner had already been sufficiently punished as he has remained in jail for more than one year even after grant of bail by this Court.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with S.T. No. 459 of 2019 arising out of Tajpur Police Station Case No. 342 of 2018, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the trial of the case, failing which the learned court below shall be at



liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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