

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26155 of 2021**

Arising Out of PS. Case No.-247 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

1. LAL JI RAY S/O RAM CHANDRA RAY R/o village- Bhakura, P.S.- Ara Mufasil, Distt.- Bhojpur
2. RAM CHANDRA RAY S/o Late Dhupan Ray R/o village- Bhakura, P.S.- Ara Mufasil, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                              |
|--------------------------|---|----------------------------------------------|
| For the Petitioner/s     | : | M/s Ravi Ranjan<br>Ashutosh Kumar, Advocates |
| For the Opposite Party/s | : | Mr. Shyameshwar Dayal, APP                   |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      23-12-2021                      Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 308, 341, 323, 504, 506, 337 and 34 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, while the informant was sitting at his '*Darwaja*', it is stated that the five named accused persons including the two petitioners herein came variously armed with *lathi*, *danda*, rod. The petitioner no. 2 struck the informant with a rod while the petitioner no. 1 as also Amitabh Ray, Ranjay Ray and Pankaj Ray started to assault the informant as a result of which he was seriously injured. On his falling down, once again all the five accused persons continued



to assault him. He was taken to the hospital for treatment.

It is submitted by learned counsel for the petitioners that the informant died in course of treatment and section 302 of the Indian Penal Code was added. The petitioners have been falsely implicated in the case. While the occurrence is alleged to have taken place on 6.8.2020, for no explanation whatsoever, information was given to the police station only on 13.8.2020 and the FIR registered. Once again in spite of the FIR having been registered on 13.8.2020, the same was received in the learned court only on 26.8.2020. Referring to the postmortem report it is submitted that the same does not support the allegations made in the FIR as only two injuries have been found therein. The petitioners are in custody since 21.12.2020 and have no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State who submits that not only the petitioners are named in the FIR but there is direction allegation of overt act against them which is supported from the contents of the postmortem report.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the submissions made on behalf of the petitioners together with the petitioners



having remained in custody for 1 year, the petitioners are directed to be enlarged on bail in connection with Ara (M) P.S. Case no. 247 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VII, Bhojpur at Ara.

**(Partha Sarthy, J)**

Spd/-

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