

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34398 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- KAMTAUL District- Darbhanga

MANOJ RAY Son of Mr. Ram Nihora Ray Resident of Village - Khajarwara,  
P.S.- Kamtaul, District – Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                            |
|--------------------------|---|----------------------------|
| For the Petitioner/s     | : | Mr. Shivam, Adv.           |
| For the Opposite Party/s | : | Mr. Nawal Kishore Pd., APP |
| For the Informant        | : | Mr. Kedar Jha, Adv.        |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      06-12-2021                      Heard the parties.

The petitioner seeks bail in connection with Kamtaul P.S. Case No. 40/2021 instituted for the offences under Sections 147, 148, 149, 341, 324, 325, 307, 379, 504, 506 and 302 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 14.02.2021, charge-sheet has been submitted in this case and he is one criminal antecedent, which is mentioned in para 3 of the bail application.

Learned counsel for the petitioner further submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant is wife of the deceased and alleges that on date and time of occurrence while the informant



alongwith his wife was returning home on motorcycle, the FIR named accused persons including this petitioner alongwith 10-11 unknown persons intercepted them and thereafter assaulted him by Bhala, Farsa, lathi and rod. It is further stated that Vijay Ray, Ram Nihora Ray alongwith this petitioner had caught hold of the deceased.

Learned counsel for the petitioner submits that as per FIR, petitioner is not assailant of the deceased. He is only alleged to have caught the deceased alongwith other accused persons. The petitioner has been implicated in this case due to land dispute. It is further submitted that informant alleges that assault was made by deadly weapon and this petitioner was holding the deceased as such it seems that since this petitioner is related to the accused persons thus have been implicated in this case. The similarly situated co-accused like this petitioner has been granted bail by this Court, vide order dated 28.10.2021 in Cr. Misc. no. 42492/2021 (Vijay Ray Vs. the State of Bihar).

Learned counsel for the informant submits that as per FIR lodged on the basis of deceased dying declaration of the informant, it is alleged that deceased was assaulted by the accused persons including the petitioner.

Learned APP for the State opposes the bail



application.

Considering the facts aforesaid, the petitioner, above named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Darbhanga, in connection with Kamtaul P.S. Case No. 40/2021.

(Satyavrat Verma, J)

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