

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38608 of 2021

Arising Out of PS. Case No.-248 Year-2020 Thana- PATORI District- Samastipur

Vishwanath Ray Son of Late Kalpu Ray Resident of Village - Uttari Dumri
Shahpur Patori, P.S.- Shahpur Patori, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Patori (Mohanpur) P.S.
Case No. 248 of 2020, registered for the offence punishable
under Sections 302, 323 and other allied sections of the Indian
Penal Code.

As per the prosecution case, on 13.07.2020 at about
8.30 pm all the FIR named accused persons including petitioner
armed with weapons came at the spot and started abusing and
assaulted him. On the order of Jantu Ray co-accused Surendra
Ray caused firearm injury on the son of informant and who
during course of treatment died. It is further alleged that this
petitioner along with co-accused assaulted other family



members of the informant in which five persons also sustained injury.

It is submitted on behalf of the petitioner that specific allegation of firing is against co-accused Surendra Ray. So far as this petitioner is concerned, there is general and omnibus allegation of commission of assault and no specific overt act has been alleged against this petitioner. There is no injury report of other persons on record. Petitioner is not the assailant of deceased and he is in custody since 13.04.2021 having clean antecedent.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Samastipur in connection with Patori (Mohanpur) P.S. Case No. 248 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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