

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31992 of 2020

Arising out of PS. Case No.-29 Year-2020 Thana- PHULWARISHARIF District- Patna

Surendra Ray, aged about 44 Years (Male) Son of Shyam Narayan Ray
Resident of Village - Muhammadpur, Police Station - Phulwari Sharif, District
- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prasad, Advocate
For the State : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-03-2021

Heard Mr. Uday Prasad, learned counsel for the
petitioner and Ms. Sharda Kumari, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with
Phulwari Sharif PS Case No. 29 of 2020 dated 13.01.2020,
instituted under Sections 147/148/307/427/504 of the Indian Penal
Code and 27 of the Arms Act.

3. The allegation against the petitioner and four others is
of coming over the plot of the informant and using abusive
language and also breaking the boundary-wall and firing of 10-15
rounds.

4. Learned counsel for the petitioner submitted that he
has no criminal antecedent and has been falsely implicated due to



local village politics. It was submitted that there is no allegation of firing against the petitioner and he also has no connection with the land in question.

5. Learned APP submitted that the petitioner was party to the assault and breaking of the boundary-wall and also resorted to firing.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IX, Patna in Phulwari Sharif PS Case No. 29 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds



or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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