

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36825 of 2020

Arising Out of PS. Case No.-79 Year-2019 Thana- BIHRA District- Saharsa

Nityanand Ray, Son Of Yaduni Ray, Resident Of Village- Patori, Ward No. 4,
P.S.- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Bihra P.S.
Case No.79 of 2019 for the offence punishable under Sections
341, 342, 323, 307, 379, 504 and 506/34 of the Indian Penal
Code. Subsequently, Section 302 I.P.C. was also added.

Prosecution story is that father of the informant was
abducted by the petitioner and other accused persons and
thereafter assaulted brutally due to which he died. FIR further
discloses that one Saraswati Devi informed about the occurrence
to the informant.

Petitioner's counsel submits that the FIR itself shows
that the informant is not an eye-witness rather Saraswati Devi is
the eye-witness and the statement of Sarswati Devi has not been



recorded. Charge sheet has been submitted in this case. The petitioner is in custody since 06.12.2019. It is further submitted that co-accused Bidyanand Roy, with more or less similar allegation, has been granted bail in Cr.Misc. No.81366 of 2019, vide order dated 27.02.2020.

Learned APP for the State has opposed the prayer for bail. However, she is unable to controvert the submissions advanced by the counsel for the petitioner.

Considering the aforesaid submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released 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 Chief Judicial Magistrate, Saharsa, in connection with Bihra P.S. Case No.79 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be



well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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