

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.978 of 2021**

Arising Out of PS. Case No.-119 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

Md. Azmer Ray @ Azmer Ray Son Of Jalla Ray Resident Of Haflaganj Bajar  
Tola, P.S.- Muffasil, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                            |                                   |
|----------------------------|-----------------------------------|
| For the Petitioner/s :     | Mr. Sanjeev Kumar Singh, Advocate |
| For the Opposite Party/s : | Mr. Syed Ehteshamuddin, APP       |
| For the Informant :        | Mr. Pawan Kumar Singh, Advocate   |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      14-12-2021              Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Syed Ehteshamuddin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Muffasil P.S. Case No. 119 of 2020 registered for the offences punishable under Sections 147, 148, 341, 323, 307, 302, 324 of the Indian Penal Code. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 11.05.2020 the petitioner fell down from his motorcycle upon which the daughter of the informant started laughing then the petitioner assaulted the daughter of the



informant, wife of the informant and informant. On hulla, family members of the petitioner came there and assaulted the informant and his family members. Md. Nasib Ray assaulted the mother-in-law of the informant on her right leg. Thereafter, she was brought to the hospital where in course of treatment, she died.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is stated that there is no allegation of commission of any overt act against the petitioner. The petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner.

Learned counsel for the informant has also entered appearance and has submitted that so far as this petitioner is concerned, he comes within general and omnibus allegations.

Having regard to the materials placed before this Court and the uncontroverted submission of the learned counsel for the petitioner that so far as this petitioner is concerned, neither in the FIR nor in course of investigation there is any allegation that he was involved in commission of the overt act or in any way assaulted the deceased, in the nature of the materials before this Court coupled with the fact that the petitioner has otherwise no criminal antecedent and the occurrence is said to have taken place



in the spur of the moment when the petitioner fell down with his motorcycle, this Court directs that the petitioner above named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Muffasil P.S. Case No. 119 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

