

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5604 of 2021**

Arising Out of PS. Case No.-206 Year-2019 Thana- DORIGANJ District- Saran

SIPAHI RAY Son of Late Prabhu Ray Resident of Village- Makunrai Tola
(Dumri) P.S.- Doriganj, Distrcit- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.P.K.Shahi,Sr.Advocate Mr.Satyam Shivam Sundaram,Advocate
For the Informant	:	Mr.Rakesh Kumar,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-06-2021 Heard Mr. P.K. Shahi, learned Senior Counsel for the

petitioner and Mr. Rakesh Kumar, learned counsel for the

informant.

The petitioner in the present case is seeking regular
bail in connection with Doriganj P.S. Case No. 206 of 2019
registered for the offences punishable under Sections 302, 307,
324/34 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
in the First Information Report it is alleged that while the
informant's brother was watching a drama programme in the
village together with the informant, one Vishal Kumar came
there and informed them that their father is seriously ill
whereupon both the brothers left the programme. While they
were going to their house, on way the accused persons who are



named in the FIR surrounded them. Altogether 9 accused persons started assaulting the informant and his brother by lathi-danda.

It is alleged that this petitioner attacked his brother Sudhir Kumar repeatedly by a dagger and gave several dagger blows, the co-accused Sikander Rai was also giving repeated dagger blows upon the brother of the informant. It is alleged that the brother of the informant fell down because of the dagger blow given by the petitioner and the informant fell down after receiving attack on his left eye by the dagger blow of Sikander Rai.

Learned Senior Counsel submits that in course of investigation the police has extracted confessional statement of the co-accused Rahul Kumar who is the son of this petitioner. Said Rahul Kumar has confessed his enmity with the informant and his brother and has further admitted to have assaulted the informant and his brother by a dagger. On the disclosure of Rahul Kumar the dagger by which brother of the informant was attacked has been recovered.

Learned Senior Counsel further submits that the prosecution story was concocted in order to involve each and every member of the family. In course of investigation, police



has not found sufficient materials against co-accused Sikander Rai, hence, final form has been submitted in favour of Sikander Rai. It is further submitted that no dagger injury was found on the body of the informant, his injury was by hard and blunt substance.

Learned Senior Counsel further submits that according to the informant repeated dagger blow were given by this petitioner and then by Sikander Rai but the post mortem report shows only one dagger injury on the chest and two injuries on the arms of the deceased. The only chest injury has been found fatal and has caused death.

Learned Senior Counsel, thus, submits that the allegation of giving repeated dagger blow is again not substantiated from the post mortem report.

Learned counsel for the informant has opposed the prayer for regular bail of the petitioner. This Court called upon learned counsel for the informant to say whether or not the post mortem report shows only one injury on the chest, he was unable to controvert the submission that the post mortem report shows only one injury on the chest of the deceased.

Considering the facts and circumstances of the case wherein though there are allegations of giving repeated dagger



blow by this petitioner as well as Sikander Rai but in course of investigation, no material has been found against the co-accused Sikander Rai and the police has recovered the dagger on the basis of confessional statement of the co-accused Rahul Kumar, the post mortem report shows only one injury on the chest which proved fatal to the life of the brother of the informant, this Court having noticed that the manner of occurrence as alleged is not getting substantiated in course of investigation and in post mortem report, the petitioner in the present case is in custody since 17.07.2020, investigation against him is complete but the trial is not likely to be completed in near future, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Doriganj P.S. Case No. 206 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and



(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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'.

