

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6257 of 2021**

Arising Out of PS. Case No.-416 Year-2020 Thana- DIGHA District- Patna

Sunistar Rai @ Sunistar Ray Son of Ram Shila Rai @ Ram Shila Ray
Resident of Village - Nakta Diyara, P.s.- Digha, Dist.- Patna., Presently
residing at Akhara Road, Yadubanshi Nagar, P.s.- Digha, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

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

4 29-07-2021 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 and Mr. Atul Chandra, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Digha P.S. Case No. 416 of 2020 registered for the offences punishable under Sections 447, 341, 342, 323, 324, 325, 326, 307, 385, 387, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, one Manager Rai along with 15-20 accused persons lased with katta, iron-rod and hockey sticks assaulted the informant and his sons. It is alleged that the informant got his leg fractured and his son Manish got his left hand fractured.

Learned counsel submits that the petitioner is innocent

and has falsely been implicated in the present case. It is submitted that there is no specific allegation of causing any overt act against the petitioner. The petitioner is in custody since 20.08.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the First Information Report, in the further statement of the informant the name of the petitioner has transpired as one of the persons who was allegedly present in the alleged occurrence, however, learned APP for the State has confirmed that in the case diary there is no specific allegation of causing any overt act against the petitioner, the petitioner has otherwise no criminal antecedent and has remained in custody in connection with this case for more than 11 months, investigation against him is complete, therefore, this Court directs release of the petitioner above named 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 Sub-Divisional Judicial Magistrate, Patna in connection with Digha P.S. Case No. 416 of 2020, 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'.