

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7129 of 2021**

Arising Out of PS. Case No.-128 Year-2020 Thana- SAHPUR District- Patna

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SHEELA RAY @ SHEELA NATH RAY Son of Late Subhash Rai Resident
of Village- nargada, P.S.- Shahpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ganesh Prasad Yadav, Adv.
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr.Sunil Kumar Pathak, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-04-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Shahpur P.S. Case No. 128 of 2020
registered for the offences punishable under Section 147, 148,
149, 341, 323, 324, 326, 307 and 302/504 of the Indian Penal
Code and Section 27 of the Arms Act.

Learned counsel submits that from bare perusal of the
First Information Report it would appear that altogether 11
persons are named in the FIR, at the first instance there are
general and omnibus allegations against all of them but later on
the informant who is himself an injured is very specific about
the persons who had caused assault on him and on the deceased.



Learned counsel further submits that so far as this petitioner is concerned, though he is said to be a member of the unlawful assembly but in the whole FIR there is no specific allegation that this petitioner had caused assault either on the informant or on the deceased.

Learned counsel further submits that the dispute seems to have taken place on harvesting of the wheat crops and so far as this petitioner is concerned, he has no criminal antecedent and he has remained in jail in connection with the present case since 06.04.2020.

Learned counsel for the informant has opposed the prayer for regular bail of the petitioner. It is submitted that though the allegations are general in nature but the petitioner being a member of the unlawful assembly his prayer for bail may be refused.

Learned APP for the State is present and has submitted that the allegations are general and omnibus and so far as this petitioner is concerned, there is no specific allegation of assault against him.

Considering the facts and circumstances of the case wherein this petitioner is though named as a member of the mob but there is no specific allegation that he had caused any assault



either on the informant or on the deceased, he has no criminal antecedent and the dispute seems to have taken place on harvesting of the wheat crops, in the nature of the materials placed before this Court considering that the investigation against him is complete, 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 A.C.J.M.-I, Danapur, Patna, in connection with Shahpur P.S. Case No.128/2020 , 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'.

