

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8809 of 2021**

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

Supan Ray @ Soka Ray, Son of Late Subhash Rai, Resident of Village-
Nargada, P.S.- Shahpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Rajendra Narayan, Sr. Advocate Mr. Ganesh Prasad Yadav, Advocate
For the Opposite Party/s	:	Mr.Anand Mohan Prasad Mehta
For the Informant	:	Mr. Sunil Kumar Pathak, Advocate

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

5 13-08-2021 Learned Senior Counsel for the petitioner undertakes
to remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard Mr. Rajendra Narayan, learned Senior Counsel
for the petitioner assisted by Mr. Ganesh Prasad Yadav, learned
Advocate, Mr. Sunil Kumar Pathak, learned counsel for the
informant and Mr. Anand Mohan Prasad Mehta, learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in
connection with Sahpur P.S. Case No. 128 of 2020 registered for
the offence punishable under Sections 147, 148, 149, 341, 323,
324, 326, 307, 302, 504 of the Indian Penal Code and Section 27

of the Arms Act. He has been taken on remand in the present case and is in custody since 13.04.2020 in connection with this case.

Learned Senior Counsel for the petitioner submits that prior to the present case the petitioner's side had filed Sahpur P.S. Case No. 127 of 2020 in which it is alleged that the prosecution party of this case had assaulted the petitioner's side and in the said assault the father of the petitioner has been killed. The present case has been lodged alleging that the petitioner's side had assaulted the prosecution party and in the said assault one Lagan Rai suffered head injury and died in course of treatment.

Learned Senior Counsel submits that as per First Information Report this petitioner and co-accused Ajay Rai had assaulted the deceased by the butt of their rifle as a result whereof Lagan Rai suffered head injury and died. It is, however, submitted that the post-mortem report discloses only one injury on the head, the witnesses have stated that both the parties had a free fight among themselves on account of a land dispute and the independent witness has stated in course of investigation in paragraph '60' that this petitioner was having a country made 'Katta' in his hand, therefore, the allegation that the petitioner had

assaulted by rifle butt is not getting support from the statement of the independent witness as also from the post-mortem report.

Learned Senior Counsel submits that through out the investigation it has come that both the parties were claiming the wheat crop in the Diyara and they had freely assaulted each other.

It is further submitted that the petitioner has got one criminal antecedent but in the said case he is on bail.

Learned counsel for the informant as well as Mr. Anand Mohan Prasad Mehta, learned A.P.P. for the State have opposed the prayer for regular bail of the petitioner.

Learned A.P.P. for the State confirms that there is only one injury on the head in the post-mortem report.

Learned counsel for the informant has though submitted that the injury had clearly affected the head of the deceased but does not controvert the submission that there is only one injury on the head.

Considering the facts and circumstances of the case, there being a case and counter case and both sides have suffered in the said assault caused on each other, the name of the petitioner has been disclosed along with co-accused Ajay Rai as having assaulted by rifle butt but in course of investigation the

independent witness saying that the petitioner was having a country made Katta in his hand and the injury report is suggesting only one injury on the head, investigation against him is complete but the trial is not likely to conclude in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond 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 Sahpur P.S. Case No. 128 of 2020, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.