

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9718 of 2021

Arising Out of PS. Case No.-63 Year-2020 Thana- SHRI NAGAR District- Madhepura

1. Amarendra Ray, Son Of Late Muni Lal Ray, R/O Village -RAHTA Chakla (PARMANANDPUR), P.S.- Sringar, District- Madhepura.
2. Mukesh Ray, Son Of Bahadur Ray, R/O Village -RAHTA Chakla (PARMANANDPUR), P.S.- Sringar, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivnandan Sah, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

At the outset, learned counsel for the petitioners submits that so far as petitioner no.1 Amrendra Ray is concerned, he has been arrested during pendency of this application.

As prayed, let this application as regards the petitioner no.1 be treated to have become infructuous. This application survives only in respect of petitioner no.2 Mukesh Ray.

Heard learned counsel for the petitioner no.2 and Mr. Sanjay Kumar, learned APP for the State.

The petitioner no.2 in the present case is seeking pre-arrest bail in connection with Srinagar P.S. Case No.63 of 2020 registered for the offences punishable under Sections 341, 323,



324, 307, 379, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner no.2 submits that as per the First Information Report the allegation against the petitioner no.2 is that of assaulting one Sogendra Ray (uncle of the informant) by an iron rod on his head.

Learned counsel for the petitioner no.2 submits that the petitioner no.2 is innocent and has been falsely implicated in this case. Learned counsel submits that there is a land dispute between the parties and no specific allegation of assault has been made against the petitioner no.2. It is submitted that he has no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner no.2.

Having regard to the submissions made on behalf of the petitioner no.2 that the parties have fought over a land dispute, they have lodged case and counter case against each other, the allegation against the petitioner no.2 is that of assaulting Sogendra Ray (uncle of the informant) by an iron rod, however, the said Sogendra Ray has suffered sharp cutting injuries and all are simple in nature which would be evident from Annexure-4 attached with the supplementary affidavit and at the same time the petitioner no.2 has also suffered injuries which may be found from



Annexure-3 series to the present application, the petitioner no.2 has otherwise no criminal antecedent, in the circumstances, this Court directs that the petitioner no.2 Mukesh Ray in the event of his arrest or surrender within a period of four weeks from today in connection with Srinagar P.S. Case No.63 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no.2 and in case at any stage it is found that the petitioner no.2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no.2. 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)

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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'.

