

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1532 of 2020

Arising Out of PS. Case No.-43 Year-2018 Thana- MALSALAMI District- Patna

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RANJIT RAY @ RANJAN RAY @ RANJEET KUMAR @ RANJEY RAY
Son of Jai Babu Yadav A resident of Mohalla- Kamashikoh, P.S.- Chowk,
District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr. Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 25-01-2021

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Malsalami P.S. Case No. 43 of 2018 registered for the offence punishable under Sections 341, 306, 386, 34 of the Indian Penal Code in which later on Section 302 of the Indian Penal Code was added.

The petitioner is in custody since 19.01.2019. He had approached this Court earlier also for grant of regular bail, which was rejected by an order of this Court dated 04.12.2019 passed in Cr. Misc. No. 48647 of 2019.

It is being argued on behalf of the petitioner that the police, on completion of investigation, have submitted charge-sheet. He has also argued that a co-accused, who has been named in the First Information Report, has been granted



anticipatory bail by this Court as it was found that on the date of occurrence he was in custody. It is accordingly being submitted that the entire prosecution's case, as disclosed in the First Information Report, is unreliable.

On perusal of the First Information Report, it transpires that the informant is not an eyewitness to the occurrence and his accusation is based on the information furnished by one Golu Kumar, who had allegedly seen the deceased when he was shot at by the miscreants.

From the earlier order passed by this Court rejecting the petitioner's application for bail, it appears that the same was rejected not on merits rather considering the conduct of the petitioner in placing reliance on the contents of the case diary, which was not lawfully made available to him.

Considering the circumstances that the petitioner is in custody since 19.01.2019 and accusation against one of the persons named in the First Information Report has been *prima facie* found to be incorrect, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Patna City, in Malsalami P.S. Case No.



43 of 2018.

(Chakradhari Sharan Singh, J)

Pawan/-

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