

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3933 of 2022

Arising Out of PS. Case No.-530 Year-2021 Thana- SARAIYA District- Muzaffarpur

POLICE RAY Son of Late Naga Ray Resident of Village-Pokhraira, P.S.-
Saraiya, O.P.-Jaitpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Neeraj Kumar Alias Sanidh, Adv.
For the State	:	Mr.Brajendra Nath Pandey, APP
for the Informant	:	Mr. Subhash Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Learned counsel for the petitioner is permitted to
make rectification in para 1 of the bail application.

Heard learned senior counsel for the petitioner
assisted by Advocate on record, learned A.P.P. for the State and
learned counsel for the informant.

The petitioner seeks bail in connection with Saraiya
P.S. Case No. 530 of 2021 registered for the offences punishable
under Sections 341, 323, 302, 504, 506 and 34 of the Indian
Penal Code.

The learned senior counsel for the petitioner submits
that after investigation police submitted charge sheet under
Section 304 of the IPC. Learned senior counsel further submits
that the petitioner is in custody since 01.08.2021, charge-sheet



has been submitted in the case and is a person with clean antecedent and the informant alleges that on 25.07.2021 his father (deceased) had gone to bring milk where a quarrel took place between petitioner and his father on the pretext of payment of milk, it is next alleged that during the occurrence wife of the petitioner came and started abusing the father of the informant and further ordered the petitioner to kill the deceased on which the petitioner strangled his father to death, it is also alleged that wife of the petitioner also assaulted the deceased by leg and fist.

The learned senior counsel submits that the petitioner has been falsely implicated in the present case and draws the attention of the court to the postmortem report annexed as Annexure-2 to the bail application to submit that the doctor has found bruises on the neck and abrasion on the chest and shoulder but cause of death has been kept reserved awaiting the viscera report. The learned senior counsel submits that either the informant is not an eye witness to the occurrence or has instituted the present case only with a view to falsely implicate the petitioner as from the postmortem report it appears that the informant is not an eye witness to the occurrence for the reason that if the father would have been killed by strangulation then



the same would have found mentioned in the postmortem report but the postmortem report completely belies the allegation as alleged in the FIR.

The learned counsel for the informant as well as learned Additional Public Prosecutor opposes the bail application but are not able to meet the submission of the learned senior counsel for the petitioner that the postmortem report belies the allegation as alleged in the FIR.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and is a person with clean antecedent and the postmortem report does not corroborate the allegation as alleged in the FIR, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Saraiya P.S. Case No. 530 of 2021.

(Satyavrat Verma, J)

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