

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5736 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- MAKER District- Saran

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Santosh Ray son of baban ray resident of village - pirmaker chandia, p.o.-
Pirmaker, P.s.- Maker, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Maker
P.S. Case No. 26 of 2021 registered for the offence under
Sections 302, 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.09.2021.

The allegation against the petitioner is to commit
murder the father of the informant, along with other co-accused
persons, who were equipped with deadly weapons like sword,
rod, etc.

Learned counsel appearing on behalf of the petitioner



submitted that allegation as regard to fatal assault is very much general and omnibus against this petitioner. It is submitted that admittedly, petitioner was equipped with sword, where post-mortem report is suggesting that death was caused due to injury sustained by hard and blunt substance, clearly suggesting that fatal injury was not caused by this petitioner, for the reason that sword by all probability may cause sharp cut injury. It is also submitted that informant, who is the eye witness of the occurrence, completely take “u turn” during course of trial, where he deposed as completely unaware about the occurrence and cause of death of his father. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that allegation as regard to fatal assault is very much general and omnibus as set out through FIR.

Considering the facts and circumstances as mentioned above, as allegation as regard to fatal assault is very much general and omnibus, where informant completely take “u turn” during the course of trial, by negating occurrence/allegation



coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maker P.S. Case No. 26 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XIII, Saran at Chapra/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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