

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19745 of 2021

Arising Out of PS. Case No.-408 Year-2020 Thana- MASHRAK District- Saran

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SUBHASH RAI @ SUBASH RAI SON OF BHOLA RAY R/O VILLAGE-
HARPUR JAN, P.S.- MASHRAK, DISTRICT- SARAN (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Satyendra Prasad, APP.
For the Informant	:	Mr. Jeetendra Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 17-01-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Mashrakh P.S.
Case No. 408 of 2020 registered for the offences punishable
under Sections 147, 148, 149, 188, 341, 323, 307, 324, 325,
504, 506 of the IPC and later on Section 302 of the IPC was
added.

The prosecution case, in brief, is that on 18.07.2020 at
around 5 PM Sahadat Alam was grazing his goat. His goat went



to the paddy field of Sudish Ray and Sudish Ray began to abuse him. When Sahadat Alam raised objection, Sudish Ray started assaulting him with fist. Seeing this, the informant and his co-villagers Sarfuddin, Babuddin and Rojaddin Miyan rushed there to save him upon which Sudish Rai abused them. In the meantime, petitioner and other accused having armed with lathi, danda and rod came there and started assaulting them. The injureds were taken to hospital with the help of villagers.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that present case is counter blast of Masrakh P.S. Case No. 407 of 2020 lodged by co-accused Sudish Ray under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 and 506 of the IPC. It is further submitted that seven persons were injured from prosecution side and ten persons became injured from petitioner's side. It is further submitted that co-accused, namely, Sudish Ray, Bigan Ray and Shashi Kumar have been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 10.12.2021 passed in Cr. Misc. No. 4911 of 2021.



Similarly, co-accused Bhola Ray, Guddu Kumar Yadav and Nandesh Ray have been granted bail by a co-ordinate Bench of this court vide order dated 23.12.2020 passed in Cr. Misc. No. 35227 of 2020. Petitioner is in custody since 19.07.2020.

Learned counsel for the informant and learned Additional Public Prosecutor vehemently opposed the prayer of bail on the basis of the materials available in the case diary.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Mrs. Kiran Ojha, learned Judicial Magistrate 1st Class, Chapra in connection with Mashrakh P.S. Case No. 408 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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