

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9511 of 2022

Arising Out of PS. Case No.-494 Year-2020 Thana- KAHALGAON District- Bhagalpur

Jawahar Ray, Son of Late Manohar Ray, Resident of Mohalla-Shyampur, P.S.
Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kahalgaon P.S. Case No. 494 of 2020 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 353, 333, 504 and 506 of the Indian Penal Code.

The prosecution case is that the informant received secret information about the petitioner, a known criminal, coming to his house and making plan to commit a crime and the house of the petitioner was raided and he was apprehended. But his arrest was resisted by other co-accused persons, who



attacked the police party with *lathi-danda* and *iron kachiya* causing injuries to the informant and other police personnel. From the possession of the petitioner, a loaded country made pistol with one live cartridge was recovered.

The learned counsel for the petitioner submits that petitioner has been granted bail in the case of recovery of loaded country made pistol vide order dated 13.08.2021 passed in Cr. Misc. No. 10485 of 2021. The petitioner is on bail in all other cases pending against him. The learned counsel further submits that it is clear from the FIR that no offence under Sections 307 and 323 IPC is made out against this petitioner. Injury report of the informant shows only a simple injury, which was not life threatening. Further, allegations are only general and omnibus against petitioner and all other accused persons. Petitioner is in custody since 12.08.2020.

Learned APP opposes the prayer for bail submitting that the petitioner is a criminal and he is accused in the number of cases.

Having regard to the submissions made hereinabove and considering the period of his custody along with general and omnibus allegations, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Bhagalpur in connection with Sessions Trial No. 300 of 2021, arising out of Kahalgaon P.S. Case No. 494 of 2020, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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