

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20367 of 2022

Arising Out of PS. Case No.-463 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

FIROZ RAY S/O NANNI RAY R/o village- Rahimpur, Rudauli, P.S.-
Samastipur Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Bijay Bhushan Prasad
For the State	:	Mr.Tapeshwar Sharma
For the informant	:	Mr. Sujit Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Samastipur Mufassil
P.S. Case No. 463 of 2021 registered for the offences punishable
under Sections 302, 354 and other allied sections of the Indian
Penal Code.

As per the allegation on the alleged date and time of
the occurrence the informant's daughter aged about 11 years was
inside her home and then co-accused Sangam Kumar entered
into her house and made an attempt of rape upon her and then
on hearing her cry the informant and his other relatives came
there and then petitioner and co-accused persons arrived at the



spot and they were equipped with weapons and thereafter they started assaulting the informant's husband and during the course of medical treatment informant's husband died.

The main submissions advanced by Sri Bijay Bhushan Prasad learned counsel appearing for the petitioner are that against the petitioner there is no specific allegation, FIR was lodged after the delay of two days regarding which there is no explanation, the genesis of the occurrence mentioned in the FIR has not been supported by prosecution's material witnesses who are stated to be relatives of the informant. Further submission is that the petitioner has been languishing in jail since 14.12.2021 having clean antecedent and as per the post mortem report of the deceased only one head injury was found by the doctor concerned while as per the FIR altogether eight persons are alleged to have assaulted the deceased. Further submissions is that the alleged occurrence was not pre-planned and the same might have taken place in the spur of moment.

Sri Tapeswar Sharma, learned APP appearing for the State and Sri Sujit Kumar Singh, learned counsel for the informant have vehemently opposed the prayer for bail.

In view of the above submissions and mainly taking into account the facts that against the petitioner there is no specific allegation and he has clean antecedent and on the



body of the deceased only two injuries were found at his head by the doctor concerned who conducted post mortem examination while as per FIR several persons are alleged to have assaulted the deceased and the FIR goes to show that the alleged occurrence took place at the spur of moment. In the opinion of this Court the petitioner deserves to a lenient approach of this Court.

Let the petitioner 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 Addl. Chief Judicial Magistrate II, Samastipur in Samastipur Mufassil P.S Case No. 463 of 2021 on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

s.hassan/-

U		T	
---	--	---	--

