

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23945 of 2022

Arising Out of PS. Case No.-248 Year-2019 Thana- DIGHWARA District- Saran

DINESH RAY SON OF SAMUNDAR RAY R/O VILLAGE- HAWASHPUR
DERA, P.S.- SHAHPUR, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Dighwara
P.S. Case No. 248/2019 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per prosecution case, the petitioner alongwith
others are said to have killed the son of informant on account of
non-fulfillment of the ransom.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. From perusal of the FIR, it appears that in the present case



26 named and some unknown have been made accused by the informant. There is no specific allegation against the petitioner and there is general and omnibus allegation. He further submits that there is specific allegation against co-accused, Indal Singh who fired upon the head of the deceased. The informant is not an eye witness he has lodged FIR on the basis of his version of one Congress Mahto. The petitioner is languishing in custody since 13.01.2022 and bears criminal antecedent of three cases. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused have already been granted bail by the co-ordinate Benches of this Court as mentioned at Annexure-2 Series of the bail petition and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, similarly situated co-accused have already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be



released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Dighwara P.S. Case No. 248/2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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