

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35999 of 2021

Arising Out of PS. Case No.-372 Year-2020 Thana- BANIAPUR District- Saran

UTTAM RAI @ UTTAM RAY S/o Late Ram Ayodhya Rai R/O Village -
Baraitha P.S.- Baniyapur, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Bhaskar, Advocate
For the State	:	Mr. Ram Sevak Choudhary, APP
For the informant	:	Mr. Harish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 307 and other sections of the Indian Penal Code.

As per the prosecution case, the four named accused persons including the petitioner herein are stated to have come variously armed and as a result of land dispute it is stated that the accused persons surrounded the husband of the informant and brutally assaulted him. Pintu and Deepu assaulted the husband of the informant on the head with a farsa while Uttam Rai and Suganti Devi assaulted with an iron rod.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The allegation of assault on the head is specific on co-accused Pintu and Deepu and the allegations against the petitioner and Suganti Devi are general and omnibus in nature. The postmortem report does not support the allegations levelled in the FIR. The



petitioner is in custody since 17.12.2020 and has no criminal antecedent. Charge sheet has been submitted in the case.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is specific allegation against the petitioner which is supported from the postmortem report.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the submissions made on behalf of the petitioner together with the petitioner having remained in custody for more than 1 year and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Baniyapur P.S. Case no. 372 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra.

(Partha Sarthy, J)

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