

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45101 of 2021**

Arising Out of PS. Case No.-165 Year-2008 Thana- HASANPUR District- Samastipur

=====

BATTO RAY @ NIRANJAN RAY, Son of Late Sita Ram Ray, Resident of
Village - Kharahiya, P.S. Hasanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sujit Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Sessions Trial No.637 of 2018 arising out of

Hasanpur P.S. Case No.165 of 2008 registered for the offences

punishable under Sections 147, 148, 149, 302 and 120(B) of the

Indian Penal Code. He is in custody since 20.06.2021. The

petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per

the First Information Report the allegation against the petitioner

is that he was also standing there at the place of occurrence



where the Nana of the informant was assaulted by Chhura by unknown persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no specific allegation of assault against this petitioner. It is submitted that the petitioner is in custody in connection with this case for over eight months having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has been falsely implicated in this case by naming him as a person who was also standing there at the place of occurrence whom the informant identified in the torch light, no overt act has been alleged against him, in course of investigation police did not find sufficient materials to proceed against him and submitted a final form but later on the petitioner was summoned by the learned Magistrate, one of the co-accused Bambam Roy similarly situated has been granted privilege of bail by a learned coordinate Bench of this Court in Cr.Misc.No.14200 of 2019, the petitioner is in custody for over eight months, he has otherwise no criminal antecedent and his presence may be



secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st Rosera, Samastipur in connection with Sessions Trial No.637 of 2018 arising out of Hasanpur P.S. Case No.165 of 2008, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

arvind/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

