

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46960 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

Madhav Ray @ Madho Ray S/O Ashok Ray R/O Jhapur Mollapota
(LAXMIPUR Mollapota), Sahganj, P.S-Chainsuraha, District-Hugali (WEST
Bengal), Permanent R/O Guthani, P.S-Mairwa, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

11 05-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Arbind Kumar Singh, learned counsel for
the petitioner and Dr. Kumar Uday Pratap, learned Additional
Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Baikunthpur P. S. Case No. 43 of 2021
registered for the offences punishable under Sections 302 and
201 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
30.01.2021 at about 07:40 A.M. the informant, who happens to



be *dafadar*, saw crowd of the villagers on the side of the road and when he reached there he found a dead body of 20-25 years old man. It is further alleged that there were injury marks over the body of the deceased.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown persons, however, during the course of the investigation the name of the petitioner has transpired on the confessional statement of co-accused Pankaj Kumar Sah, who disclosed that the petitioner is the person, who made arrangement of the SIM card, which was given to one Amit Kumar Yadav, who had called the co-accused Chandan Tiwary to ask the deceased to come with the vehicle. It is further submitted that even in the confessional statement, except the allegation of making arrangement of SIM Card no other allegation has been made against him and moreover, there is no eye-witness to the alleged occurrence, apart from that except the confessional statement, no other material has come during the course of investigation, which suggests the complicity of this petitioner in the present case. It is next submitted that this petitioner has a fair antecedent and is in custody since 13.03.2021 and the investigation is already concluded and the



charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, ample material has come, which suggests the complicity of this petitioner and he is also one of the conspirators in causing the death of the deceased.

Having considered the submissions made on behalf of the parties and taking into account the fact that the F.I.R. has been instituted against unknown persons and during the course of investigation, the name of the petitioner has transpired on the confessional statement of co-accused Pankaj Kumar Sah and even as per his confessional statement, there is no specific accusation against this petitioner of killing the deceased and moreover, this petitioner is in custody since 13.03.2021, having clean antecedent and the investigation is already completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gopalganj in connection with Baikunthpur P. S. Case No. 43 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions



which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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