

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48760 of 2021

Arising Out of PS. Case No.-63 Year-2020 Thana- SHRI NAGAR District- Madhepura

1. SANJAY ROY S/o TUNAI RAI R/o RAHTA CHAKLA, P.S-SRINAGAR, DISTRICT-MADHEPURA.
2. BIREN ROY @ BIRENDRA ROY S/o LATE MUNILAL ROY R/o RAHTA CHAKLA, P.S-SRINAGAR, DISTRICT-MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Samrendra Kumar Jha, Advocate
For the informant	:	Mr. Bam Bahadur Jha, Advocate
For the Opposite Party/s	:	Mr.Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-05-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Srinagar P.S. Case No. 63 of 2020, for the offence punishable under Sections 456, 504, 506 and 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per F.I.R., the allegation against petitioner No.1 Sanjay Roy is that he has assaulted on the head of victim by means of Farsa and petitioner No.2 Biren Roy @ Birendra Roy has assaulted him by means of iron rod.

Learned counsel appearing on behalf of the petitioners



submits that the so far as petitioner No.1 is concerned he has assaulted the victim by means of Farsa and injury found on the head of victim Subhash Rai and the Doctor has opined that the injury caused by sharp edged weapon. He further submits that there are two injuries, however, there is no allegation of repetition made in the F.I.R. He further submits that so far as petitioner No.2 is concerned evidently as per injury report the injury has been caused by sharp edged weapon. The petitioners are in custody since 23.04.2021 and 31.05.2021, respectively.

Sri Bam Bahadur Jha, learned counsel appearing on behalf of informant vehemently opposed the prayer for grant of bail to the petitioner and submits that there is direct allegation of assault to have been committed by means of Farsa by petitioner No.1 and so far as petitioner No.2 is concerned the allegation is to have assaulted the victim by means of iron rod. As per the injury report the Doctor has given his opinion that injury has been caused by sharp edged weapon.

Learned A.P.P. for the State has supported the statement made by the learned counsel for the informant.

Having perused the allegation made in the F.I.R. as well as injury report, there is direct allegation against petitioner No.1 to have assaulted the victim by means of Farsa, which is



corroborated by the opinion of the Doctor, who has opined that the injury is grievous in nature on the head of victim caused by sharp edged object and repeated blow was on the head, which is vital part of the body, I am not inclined to enlarge the petitioner No.1 namely Sanjay Roy on bail. Accordingly, his prayer for grant of bail is **rejected**.

However, the learned trial Court is directed to conclude the trial expeditiously.

So far as petitioner No.2, namely, Biren Roy @ Birendra Roy is concerned, prima facie the petitioner No.2 has made out a case to be released on bail. The petitioner No.2, namely, Biren Roy @ Birendra Roy is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhepura in connection with Srinagar P.S. Case No. 63 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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