

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53110 of 2021

Arising Out of PS. Case No.-315 Year-2020 Thana- BIRPUR District- Supaul

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1. GAGAN RAY @ GAGAN KUMAR RAY S/o Late Surendra Ray R/o village- Kusahar, Ward No. 08, P.S.- Birpur (Balua Bazar), District- Supaul
 2. Madan Ray S/o Late Surendra Ray R/o village- Kusahar, Ward No. 08, P.S.- Birpur (Balua Bazar), District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-01-2022 Heard learned counsel for the petitioners and the State.

The matter has been taken up through video conferencing.

Petitioners seek regular bail in a case registered for the offence punishable under Section 341, 323, 324, 307, 354(B), 504/34 and 302 of the Indian Penal Code.

As per the prosecution case, these petitioners along with other FIR named accused persons armed with spade, Farsa, Khanti and Lathi assaulted the wife of informant causing multiple injuries to her. Later on she succumbed to the injuries.

Learned counsel appearing for the petitioners submits



that petitioners are innocent and have falsely been implicated in the case. It is submitted that the occurrence took place on 24.12.2020 but the FIR has been lodged on 28.12.2020 without any explanation for four days delay. There is general and omnibus allegation and no specific allegation has been made against these petitioners. It is further submitted that from perusal of FIR it is apparent that neither the informant nor his family members are eye witness of the occurrence. Petitioners claim clean antecedent and petitioner No.1 is in custody since 17.01.2021 and petitioner No.2 is in custody since 21.06.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that there is direct and specific allegation against these petitioners of assaulting the wife of informant which ultimately led to her death.

Considering the nature of accusation and gravity of the offence, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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