

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44821 of 2022

Arising Out of PS. Case No.-106 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. UPENDRA RAY Son of Ganpat Ray @ Ganpati Ray Resident of Village - Hasanpur, Ward No.- 3, P.S.- Mohiuddin Nagar, District - Samastipur.
 2. Lakhindra Ray Son of Upendra Ray Resident of Village - Hasanpur, Ward No.- 3, P.S.- Mohiuddin Nagar, District - Samastipur.
 3. Ravindra Ray Son of Upendra Ray Resident of Village - Hasanpur, Ward No.- 3, P.S.- Mohiuddin Nagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 Learned counsel for the petitioner is permitted to
make necessary correction in Para 1 of the bail petition.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Mohiudddin Nagar P.S. Case No. 106 of 2020 registered for the
offences punishable under Sections 147, 149, 307, 323, 324,
341, 379, 447, 504, 506 and of the Indian Penal Code and later
on Section 302 of IPC is added.



As per prosecution case, informant was feeding his cattle and in the meanwhile petitioners and others arrived at the door of informant and co-accused Navin Kumar assaulted Krishna Ray by means of Pagharia as a result of which he sustained injury on head. It is further alleged that Petitioner no. 1 assaulted Vinod Ray by means of Garsa as a result of which he sustained injury on head. It is alleged that Petitioner no. 3 assaulted Arvind Ray by means of rod as a result of which he sustained injury on head. It is also alleged that petitioners and others concertedly assaulted Vinod Rai as a result of which he sustained injury on head.

Learned counsel for the petitioners submits that petitioners are in custody since 13.05.2022. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners submits that from the bare perusal of F.I.R. it appears that the alleged occurrence took place on 16.06.2022 and the present F.I.R. has been lodged after delay of 5-6 days on 21.06.2022 and no reasonable explanation of delay has been explained. Petitioners are quite innocent and they have been falsely implicated in the case due to ulterior motive of the informant.



As a matter of fact Krishna Ray, deceased has two more brothers namely Hari Ray and petitioner no. 1 and Hari Ray has no child and he always live with the family of Petitioner No. 1 and informant and his family members were in apprehension that Hari Ray will give his all property to Petitioner No. 1 on account of which the whole family members of the petitioners have been falsely implicated in the present case. He further submits that there is a case and counter case between the parties on the same date of occurrence. He also submits that from the bare perusal of FIR, it appears that the informant has not whispered a single word regarding the specific allegation against Petitioner No. 2. He further submits that the allegation against Petitioner No. 1 is to assault Vinod Ray by means of Garsa on his head on account of which he has sustained two injuries and injury no. 1 is simple in nature and injury no. 2 is only pain and swelling at shoulder which is non vital part of the body and there is allegation against Petitioner No. 3 is to assault Arvind Ray by means of rod on account of which he has sustained two injuries on his head and both injuries are simple in nature. It is further submitted that from the bare perusal of the F.I.R., it appears that both parties are agnates and there is admitted property dispute between the parties. It is also



submitted that petitioners are not the assailant of deceased Krishna Ray as the specific allegation of assaulting the deceased is against co-accused Navin Kumar. Petitioner No. 2 is mere member of mob.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. IInd, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 106 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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