

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57922 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- DORIGANJ District- Saran

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Dhaneshwar Ray Son of Late Ram Ayodhya Ray Resident of Village -
Daftarpur, P.S.- Doriganj, Distt. - Saran, Bihar - 841211.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate.

For the Opposite Party/s : Mr. Atul Chandra, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-04-2022 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Doriganj P. S. Case No. 75 of 2021 registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

As per the prosecution case, it is alleged by the informant that his son, Sonu Kumar was in the business of sand and because of some dispute with named accused persons in the F.I.R., there were cases registered from both the sides. It is further alleged that one Subhnath Rai @ Birbal had threatened the son of the informant with dire consequences and on



25.03.2021 his son was found killed.

It has been submitted by the learned counsel for the petitioner that the F.I.R. has been instituted against six named accused persons but the petitioner was not named. However, during the course of investigation, the name of the petitioner has transpired in the confessional statement of co-accused Satyendra Ray, who happens to be son of this petitioner. The confessional statement has been recorded on 26.04.2021, after about one month of the occurrence. It is next submitted that after investigation final form/report has been submitted and he has not been sent up for trial but the learned Court below has taken cognizance after differing with the final report. The petitioner is in custody since 27.04.2021.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account this fact that the Police after investigation has submitted final form and has not sent up petitioner for trial. This petitioner has got clean antecedent and he is in custody since 24.04.2021, 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 Additional District and Sessions Judge Fifth at Saran in connection with Doriganj P. S. Case No. 75 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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