

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25720 of 2023

Arising Out of PS. Case No.-566 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Tuntun Ray @ Bhandari Son of Raju Ray R/V- Musapur, P.S.- Samastipur
(Muffasil), District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

03. In the present case, the petitioner seeks bail in
connection with Samastipur (Muffasil) P.S. Case No. 566 of
2022 registered on 03.12.2022 for the alleged offences under
Sections 147, 148, 149, 341, 323, 332, 336, 337, 307, 353, 379,
109 of the Indian Penal Code.

04. As per prosecution case, while the police has gone
to arrest an accused of Town P.S. Case No. 470 of 2022, co-
accused Haldhar Kapar instigated the local people under the
apprehension that the police was coming to arrest him and



attacked the police party, causing a number of injuries to the police personnel and also snatched mobile phone from them. The informant named nine persons with 30-40 unknown persons who participated in this unlawful act. The name of petitioner came up during investigation for being involved in the alleged occurrence.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused Rishipal Sah @ Bhola. There is no material against this petitioner and there is no specific allegation of any over act as well. The petitioner is in custody since 04.12.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material as well as general allegation levelled against this petitioner, who was not named in the FIR and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is



directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur/court concerned in connection with Samastipur (Muffasil) P.S. Case No. 566 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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