

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22976 of 2023

Arising Out of PS. Case No.-40 Year-2019 Thana- ATHMALGOLA District- Patna

JAY PRAKASH RAY Son of Yugal Ray R/V- Bharosi Ray Ke Tola, PS-
Athmalgaola, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 15.02.2023 in connection with S.Tr. No.857 of 2019 arising out of Athmalgola P.S. Case No. 40 of 2019, F.I.R. dated 03.03.2019 for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, in short, is that the accused persons including the petitioner committed murder of the son of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that appears from the F.I.R. there is general and omnibus allegation against



all the accused persons including the petitioner and the petitioner is brother-in-law of the informant. He further submits that similarly situated, co-accused, namely, Fuliya Devi @ Fulea @ Fuleshwari Devi who has happens to be mother-in-law of the informant has been granted bail by a co-ordinate Bench of this Court vide order dated 22.01.2020 passed in Cr. Misc. No. 67427 of 2019, another co-accused namely, Yugal Rai and Sumant Rai have been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 16.06.2020 passed in Cr. Misc. No.11596 of 2020. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-V, Barh, Patna in connection with S.Tr. No.857 of 2019 arising out of Athmalgola P.S. Case No. 40 of 2019, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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