

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27311 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- PURAINI District- Madhepura

Chutkun Ray @ Rishabh Ray Son Of Sri Amrender Roy Resident Of Village-
Ganeshpur, Puraini, Ward No. 10, P.S. - Puraini, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Miss Neeta Nancy Quadros, Advocate
	:	Mr. Shailender Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 03.11.2022 in connection with S.T. No. 104 of 2023 arising out of Puraini P.S. Case No. 123 of 2022, F.I.R. dated 13.06.2022 for the offences punishable under Sections 394/302 of the Indian Penal Code along with Section 27 of the Arms Act.

3. According to prosecution case, brother of the informant is said to have been shot fire and got dead.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and his name is transpired during investigation merely on the basis of confessional statement of co-accused person, namely, Rahul Kumar. He further submits that from the bare



perusal of F.I.R. and statement of Rahul Kumar, it appears that Rahul Kumar has stated that co-accused person, namely, Amit Kumar has fired upon the victim and the petitioner was present there accompanied with other co-accused persons. He further submits that as per the statement of Rahul Kumar, there is no accusation of any assault of overt act attributed against the petitioner and Rahul Kumar who disclosed the name of the petitioner has been granted bail vide order dated 23.03.2023 in Cr. Misc. No. 64636 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 03.11.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he was involved in the present crime in question. He further submits that the petitioner carries two cases other than the present one but fairly submits that the petitioner is on bail in both the cases.

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. -



Ist, Madhepura, in connection with S.T. No. 104 of 2023 arising out of Puraini P.S. Case No. 123 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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