

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28446 of 2023

Arising Out of PS. Case No.-235 Year-2021 Thana- SAHAR District- Bhojpur

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MUNNA RAY S/O- Lalan Ray R/o Village-Gulzarpur, P.S.-Sahar, District-
Bhojpur (Arrah)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sahar P.S. Case No. 235 of 2021, dated 30.10.2021 registered
for the offences punishable under Sections 328 and 302/34 of
the Indian Penal Code.

3. The main submissions advanced by petitioner's
counsel are that as per FIR, informant called the deceased by
using his mobile phone which was received by the
deceased/victim who revealed that the petitioner had feed
something to him and thereafter victim's phone went switched
off but in this regard during investigation, call details concerned
to the said conversation has not been collected till date and there
is no direct evidence against this petitioner to connect him to the



alleged death of the victim and in the order impugned FSL report of the deceased has been discussed, which shows that the deceased died due to consumption of *Ethyl Alcohol*. Further submissions are that the petitioner has been languishing in jail since 28.01.2023 having fair and clean antecedent and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the prayer for bail.

5. Considering the above submissions and mainly petitioner's fair and clean antecedent and completion of investigation against him and also the fact that as per FSL report of the *viscera* of the deceased as discussed in the order impugned the cause of death of the deceased has been opined due to consumption of *Ethyl Alcohol* and as per above submission, police did not make any investigation with regard to the alleged conversation having taken place in between the informant and the deceased through mobile phone during the last time of the deceased, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Sahar



P.S. Case No. 235 of 2021.

(Shailendra Singh, J.)

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