

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29379 of 2023

Arising Out of PS. Case No.-268 Year-2020 Thana- BAHERI District- Darbhanga

PRABHU SHANKAR RAY @ PRABHU SHANKAR @ GOLU Son of
Satish Ray Resident of Village - Bithouli P.S. - Baheri, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Kumar Suman, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with CRI- 3490 of 2020 arising out of S.T. Case No. 194 of 2021 arising out of Baheri P.S. Case No. 268 of 2020 registered for the offence under Sections 341, 323, 324, 307, 427, 302, 504/34 of the Indian Penal Code.

The petitioner is alleged to have assaulted Abhinash Kumar on his hand by means of knife.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that there is specific allegation against the petitioner and other accused persons that



they have assaulted the deceased with knife and bhala. He further submits that there is case and counter case between the parties. He further submits that though the victim has received three injuries caused by sharp cutting weapon but the postmortem report suggest that the deceased died to hemorrhage and compression as a result of head injury. He further submits that it is nowhere mentioned that the petitioner has inflicted any injury by any weapon upon the head of the informant. Moreover, co-accused, Suresh Rai has already been granted bail by the Hon'ble Supreme Court vide order dated 01.08.2022 passed in Cr. Appeal No. 1107 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 19.11.2020.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the fact that co-accused has been granted bail by the Hon'ble Apex Court and the petitioner is having no criminal antecedent coupled with the fact that trial has not been concluded as yet, let the, above named, petitioner 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 learned Additional District and Sessions Judge-XI, Darbhanga in connection with CRI- 3490



of 2020 arising out of S.T. Case No. 194 of 2021 arising out of Baheri P.S. Case No. 268 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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