

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41010 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- ATHMALGOLA District- Patna

1. Amirak Ray @ Amrik Ray, Son of Chaneshwar Ray Resident of village - Ganjpar, P.S. - Athmalgola, Distt. - Patna
2. Dilip Ray @ Dilip Roy, Son of Chaneshwar Ray Resident of village - Ganjpar, P.S. - Athmalgola, Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.Rajeev Nayan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-07-2023 Heard learned Counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending arrest in connection with Athmalgola P.S. Case No.310 of 2022 registered on 04.11.2022 for the offences punishable under Sections 147, 149, 323, and 307 of the Indian Penal Code and subsequently, Section 302 of the Indian Penal Code was also added.

3. As per the prosecution, the allegation against the petitioner No.1 is that he assaulted Sintu Kumar by *lathi* due to



which he got badly injured and admitted to the hospital at Barh, Patna and from where he was referred to the PMCH for better treatment whereas petitioner no.2 is alleged to have assaulted the aunt of the informant, namely, Gulabi Devi.

3. Learned counsel for the petitioners submits that the present case was initially registered under Sections 147, 149, 323, and 307 of the Indian Penal Code but subsequently after about more than two months Section 302 of the Indian Penal Code was also added as the injured Sintu Kumar died during course of treatment in the hospital. He further submits that the post-mortem report which is annexure-4, suggests the cause of death, opined by the doctor, as septicemia and its complication. He further submits that the petitioner and informants sides are well known to each other being *gotia* and for the same occurrence, the petitioners' side has also lodged a case bearing Athmalgola P.S. Case No. 309 of 2022. The present case is a counterblast of the earlier case lodged by the petitioners' side. A statement has been made in paragraph no.3 of the petition that the petitioners are accused in one more criminal case wherein they are pursuing bail.

4. Learned APP for the State opposes the prayer for bail and submits that there is a specific allegation against the



petitioners in the FIR.

5. Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to petitioner no.1, namely, Amirak Ray @ Amrik Ray.

6. Accordingly, the prayer for bail of petitioner no.1, namely, Amirak Ray @ Amrik Ray in connection with Athmalgola P.S. Case No.310 of 2022, pending before the learned SDJM, Barh (Patna) is hereby rejected.

7. However, the learned Court below will consider the prayer for regular bail of petitioner no.1 considering this aspect that death has been caused due to septicemia and there is case and counter case between the parties in which persons were injured from both the sides if he surrenders before the learned Court below within six weeks from today and prays for regular bail.

8. So far as petitioner no.2, namely, Dilip Ray @ Dilip Roy is concerned, the injury caused by him is simple in nature as per the injury report of Gulabi Devi, let him be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned



SDJM, Barh (Patna) in connection with Athmalgola P.S. Case
No.310 of 2022, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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