

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43753 of 2023

Arising Out of PS. Case No.-26 Year-2021 Thana- BIBHUTIPUR District- Samastipur

SUKHDEO RAY Son of Jaddu Resident of village - Dih Boriya, Bibhutipur,
P.S. - Bibhutipur, Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant

For the Opposite Party/s : Mr.Raj Ballabh Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 2 31-07-2023 1. Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.
2. Heard learned counsel for the petitioner and learned A.P.P. for the State.
3. The petitioner has preferred this application for grant of regular bail in connection with Bibhutipur P.S. Case No. 26 of 2021 dated 20.1.2021 registered for the offence punishable u/s 147, 148, 149, 341, 323, 302 of the Indian Penal Code.
4. As per the prosecution case, the informant along with other family members was at her house. All of a sudden, the petitioner and 25 co-accused persons along with 70-80



unknown miscreants attacked her house and kidnapped the informant's son and beaten her son to death with lathi, danda, rod, bricks, stones etc.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. There is no eye witness of the place of occurrence. The co-accused person has already been granted bail by the Coordinate Bench of this Court vide order dated 17.5.2023 passed in Cr. Misc. No. 20348 of 2023. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 2.11.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Rosera, Samastipur in connection with S.Tr. No. 64 of 2023 arising out of Bibhutipur P.S. Case No. 26 of 2021.



8. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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