

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45032 of 2023

Arising Out of PS. Case No.-119 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

Nasib Ray @ Md Nasib Ray, Son Of Mosim Ray @ Mobin Ray Resident Of
Village- Haflaganj Bazar, P.S.- Muffasil Katihar, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Katihar Mufasil P.S. Case No. 119 of 2020 dated 12.05.2020
registered for the offences punishable under Sections 147, 148,
341, 323, 307, 302, 324 of the Indian Penal Code.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has fair and
clean antecedent, FIR of the instant matter is a counterblast of
Katihar Muffasil P.S. Case No. 118 of 2020 lodged by
petitioner's side against the informant and others, in fact on
account of a trivial issue relating to laughing of a child on
falling down of co-accused Azmer Ray from his motorcycle, an
incident of free fight took place in between both the parties and



three persons from petitioner's side sustained injuries and co-accused persons namely, Jalal Roy and Md. Azmer Ray @ Azmer Ray have been granted regular and anticipatory bail respectively by different benches of this court passed in Cr. Misc. No. 34611 of 2020 and Cr. Misc. No. 978 of 2021 and as per the allegation this petitioner inflicted a blow by a sharp weapon at the left leg of the victim who died later on during the course of treatment but there is no allegation of causing repeated blows by the alleged weapon by this petitioner and the same shows that there was no intention to kill the victim by this petitioner and moreover he has been languishing in jail since 02.03.2023 and against him the investigation has been completed.

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

5. Considering the above submissions and mainly the genesis of the occurrence and also the facts that co-accused persons detailed above are on bail, though one lady died on account of the alleged assault committed by this petitioner but as per the FIR he inflicted a blow by a sharp-edged weapon at non-vital part of the body of the deceased and there is no allegation that he caused repeated blows at the victim and there



is a case and counter case in between both the parties and as per above submission three persons from petitioner's side also sustained injuries which goes in favour of the petitioner as to free fight having been taken place in between both the parties, in my opinion, it is a fit case for bail to the petitioner. Accordingly, **let the petitioner be released on bail, after framing of charge, if the same has not been framed,** in connection with Katihar Muffasil P.S. Case No. 119 of 2020 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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