

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44105 of 2022

Arising Out of PS. Case No.-489 Year-2021 Thana- KHAGARIA District- Khagaria

INDU RAY @ SHAMBHU RAY (Male), aged about 45 years, son of Ashok Ray, Resident of village-Rahimpur (Naya Tola), P.S. Muffasil, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-01-2023 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Khagaria (Muffasil) P.S. Case No. 489 of 2021 for the offence registered under Sections 147, 148, 149, 341, 323, 307, 325, 429, 379, 504, 506 and 337 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief, according to the informant, is that on 23.06.2021 at about 6:30 A.M., while the informant was milking his cow, all of a sudden, the accused persons had arrived there and as far as the co-



accused person, namely, Pankaj Rai is concerned, he is stated to have assaulted the informant by the butt of the rifle, which he was carrying, while one another co-accused person, namely, Anurag Rai had fired bullet on the informant, however, the same did not hit the informant but had hit the cow in question, who died subsequently.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 08.05.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in five other cases but he is on bail in all the said cases. The learned counsel for the petitioner has also submitted that a general and omnibus allegation has been levelled against the petitioner and he has not been alleged to have engaged in any sort of specific overt act, much less having fired any gunshots, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned A.P.P. for the State



has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that as far as the petitioner is concerned, there is no allegation of him having engaged in any sort of specific overt act, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 Chief Judicial Magistrate, Khagaria in connection with Khagaria (Mufassil) P.S. Case No.489 of 2021.

(Mohit Kumar Shah, J)

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