

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53706 of 2022

Arising Out of PS. Case No.-204 Year-2022 Thana- TAJPUR District- Samastipur

1. Shivjee Ray @ Shivjee Rai S/o Late Chunni Lal Ray @ Late Chunni Lal Rai Resident of Village- Chak Sikandarpur, P.S.- Tajpur, District- Samastipur.
2. Shiv Shankar Ray @ Shiv Shankar Rai S/o - Late Chunni Lal Ray @ Late Chunni Lal Rai Resident of Village- Chak Sikandarpur, P.S.- Tajpur, District- Samastipur.
3. Mukesh Kumar Ray @ Mukesh Kumar Rai S/o Shivjee Ray @ Shivjee Rai Resident of Village- Chak Sikandarpur, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 23-03-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Tajpur P.S. Case No. 204 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code.

As per the prosecution, the informant alleged that these petitioners alongwith co-accused persons assaulted the informant

and other persons by means of *lathi*, *danda* and *iron rod* etc. and later one injured namely, Baidhnath Rai succumbed to the injuries.

The main submissions advanced by learned counsel for petitioners are that altogether ten persons have been named in the FIR and two to three unknown persons were also stated to have been involved in the alleged crime and one person namely, Baidhnath Rai succumbed to his head injury and he is said to have been assaulted by these petitioners and three other co-accused persons and the said allegation is not specific against any of the petitioners and as per the *post-mortem* report of the deceased, one wound was found at left parietal region while as per the allegation, six persons including the petitioners were alleged to have assaulted the deceased and there is also a counter case lodged on behalf of petitioners' side against the prosecution party and all these petitioners have fair and clean antecedent and they have been languishing in jail since 04.05.2022.

Learned APP for the State opposes the bail prayer and submits that during investigation some of the witnesses made specific allegation against the petitioner Shivjee Ray @ Shivjee Rai and he is said to have assaulted at the head of the deceased by means of *lathi* hence, he does not deserve to the privilege of bail.

Heard both the sides and perused the FIR as well as the case diary of this case. Ten persons have been named in the FIR and the

statements of some material witnesses go to show that at the time of commission of the alleged occurrence a panchayat meeting was being held in between both the parties regarding a dispute in respect of cutting of *bamboo* which is said to be the genesis of the alleged occurrence and the same also shows that the alleged occurrence took place in the spur of moment and in the FIR against the petitioners there is no specific allegation of assaulting the deceased and the number of external injuries found on the body of the deceased go against the nature of allegation appearing against the petitioners. Considering these facts and mainly taking into account the petitioners' fair and clean antecedent and their custody period, in my opinion, it is a fit case for bail to the petitioners. Accordingly, let the petitioners be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court in connection with Tajpur P.S. Case No. 204 of 2022.

(Shailendra Singh, J)

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