

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63014 of 2023**

Arising Out of PS. Case No.-151 Year-2003 Thana- BAKHTIYARPUR District- Patna

JAWAHAR RAY, SON OF LATE RAM AGYA RAY, RESIDENT OF KALA  
DIYARA, P.S.- SALIMPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

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

Mr. Kundan Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      06-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no. 824 of 2023 (arising out of Bakhtiyarpur P.S. Case no. 151 of 2003) registered under sections 307, 147, 148, 149, 341, 504, 324 and 326 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, the informant states that the eleven named accused persons came variously armed. They started to abuse the informant and his brother. As a result of firing resorted to by Bishun Ray, Jhagaru Ray and Hare Ram Ray, the brother of the informant sustained gunshot injury and died subsequently in course of treatment.



4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. The allegations in the FIR are specific against three accused persons. From the contents of the order of the learned Court below learned counsel submits that at best the case against the petitioner is that he was amongst the four persons who were seen running away from the place of occurrence. However, in reference to paragraph no.9 of the petition it is categorically stated that no process of forfeiture of the property has been resorted to against the petitioner. He is in custody in this case since 12.12.2022 and charge has been framed.

5. The application for bail is opposed by learned APP for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 17.10.2023, charge has been framed in the learned trial Court on 3.8.2023.

7. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R being specific against the three accused persons, the petitioner not being named in the FIR, submissions made on behalf of the petitioner especially in reference to paragraph no.9 of the petition, the petitioner being in custody for nearly 1 year since



12.12.2022 and charge having been framed in the learned trial Court, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 824 of 2023 (arising out of Bakhtiyarpur P.S. Case no. 151 of 2003), on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-V, Barh, Patna.

8. It is further directed that the petitioner shall remain properly represented and/or present on each date of the case/trial and shall cooperate in the trial.

9. In case, the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

**(Partha Sarthy, J)**

avinash/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

