

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64286 of 2023

Arising Out of PS. Case No.-186 Year-2022 Thana- MUSRIGHRARI District- Samastipur

NARAYAN RAY Son of Late Parmeshwari Ray R/o vill - Gohada, P.S. -
Musrigharari, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Musrigharari P.S. Case No.186 of 2022, F.I.R. dated 26.10.2022 registered for the offence punishable under Sections 147, 149, 341, 323, 324, 325, 307, 302, 354, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, the allegation against the petitioner is that he is the order giver on whose direction other co-accused had assaulted the son and husband of the informant and during treatment husband of the informant died.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Further submits that from perusal of the FIR it appears that there is no accusation of any assault or overt act is attributed against the petitioner, rather allegation against the petitioner is of that he along with other accused persons have assaulted the son and husband of the informant with iron rod and during the treatment the husband of the informant has died. Learned counsel for the petitioner draw attention with regard to the FIR that informant's son has already informed to the concerned police station with respect to the present incident on 22.10.2022 itself. Further submits that when the present occurrence had taken place on 26.10.2022, how can son of the informant has informed the police on 22.10.2022 before the date of occurrence. Further submits that the present occurrence had taken place on 26.10.2022 but the FIR has been instituted on 29.01.2022 after delay of three days.

5. Learned APP for the State, on the other hand on the basis of the material available on the record and the case diary vehemently opposed the prayer for anticipatory bail of the



petitioner and submits that there is specific allegation the petitioner and accused persons that they have assaulted the son and husband of the informant with iron rod.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Samastipur in connection with Musrigharari P.S. Case No.186 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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