

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66891 of 2022

Arising Out of PS. Case No.-20 Year-2019 Thana- SAHPUR District- Patna

SUBODH RAY Son of Rajnath Ray R/v- Habaspur, P.S.- Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-05-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions Trial No. 583 of 2022 arising out of Shahpur P.S. Case No. 20 of 2019 dated 15.01.2019 registered for the offence under Sections 341, 323, 324, 307, 379 and 34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code has been added.

The nephew of the informant is alleged to have been assaulted by the petitioner and his other companions by iron rod, lathi and wooden planks on account of that he sustained injuries and later on he died.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. that



there is general and omnibus allegation against the accused persons including the petitioner and no specific allegation of assault is attributed to him. He further submits that the date of occurrence is stated to be of 12.01.2019 whereas the present F.I.R. has been registered on 15.01.2019 after lapse of three days without explaining the delay. He further submits that no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, the co-accused, namely, Golu Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 15.02.2023 passed in Cr. Misc. No. 49280 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 26.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 A.D.J.-VI, Danapur in connection with Shahpur P.S. Case No. 20 of 2019 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 antecedent, the court below shall take step for cancellation of 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)

brajesh/-

U		T	
---	--	---	--

