

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71543 of 2022

Arising Out of PS. Case No.-234 Year-2022 Thana- NAWANAGAR District- Buxar

Saral Ray @ Saray Ray Son of Late Govind Ray Resident of village -
Budhaila, P.S.- Nawanagar, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
31.07.2022, in connection with Nawanagar P.S. Case No. 234 of
2022, F.I.R. dated 14.07.2022 registered for the offences
punishable under Sections 302, 201/34 of the Indian Penal
Code.

Prosecution case, in brief, is that the petitioner along
with other family members having with *rama and hansua* went
to the garden and after some times one Many Ray came with
crying and said to the informant that uncle grandfather was
killed by five persons and then the informant and family
members reached there and started crying all family and
accused persons fled away.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case due to admitted land dispute between the parties. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and in fact the informant is not an eye witness of the alleged occurrence. He further submits that the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused persons namely Chotak Rai @ Pintu Kumar. He further submits that Chotak Rai is the son of the petitioner and except the confessional statement of co-accused persons, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 31.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail, **after framing of charge, if not framed**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Buxar in connection with Nawanagar P.S. Case No. 234 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 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.

Ibrar//-

(Rajesh Kumar Verma, J)

U			
---	--	--	--

