

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5216 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- GANGABRIDGE District- Vaishali

RAM NARESH RAY @ BARAK RAI S/o Mul Ray @ Mallu Ray R/o
Village- Hilalpur, Madarpur(Sarai Maricha has wrongly been mentioned in
FIR), P.S.- Ganga Bridge, District Vaishali At Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anish Chandra, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar Singh, APP
For the Informant	:	Ms. Rina Sinha, Advocate
	:	Mr. Dharendra Prasad Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
17.08.2022 in connection with Ganga Bridge P.S.Case No.98 of
2022, F.I.R. dated 26.04.2022 registered for the offence
punishable under Sections 341,342,323,307,379,504/34 of IPC
but the police, after investigation, submitted the chargesheet
against the petitioner under Sections 341,342,323,307,302,504
and 34 of IPC.

3. The prosecution case, in brief, is that the informant
alleged that on 20.04.2022 at about 9.00 PM the informant's
son was returning his house after closing his shop while



returning, the neighbour of his shop namely, Ram Naresh Ray @ Barak Ray and his son-in-law Ram Ratan Ray, Arun Kumar Ray @ Bhola Ray and some other unknown persons abducted his son with intention to kill him. Further on search the informant came to know that the accused persons had kept his son at their house having tied up both his upper and lower limbs. Further alleged that when the informant reached at the house of accused persons, he found his son unconscious and he was shifted to Adarsh hospital for treatment but due to critical condition, the Doctor referred him to Patna where he died in course of treatment.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that it has come during investigation in para-137 and 138 of the case diary that the independent witnesses have categorically stated that co-accused person, namely, Ram Ratan Ray, who is son-in-law of the petitioner, has committed murder of the deceased and no one has seen that the petitioner has assaulted the deceased and even the informant is not the eye



witness of the alleged occurrence and it appears from the FIR itself that the date of occurrence as alleged in the FIR is 20.04.2022 but the present FIR has been instituted on 26.04.2022 after delay of about six days without giving any explanation of delay and the present FIR has been instituted afterthought only to falsely implicate the petitioner in the present case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.08.2022.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the sufficient material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

6. Considering the aforesaid facts, let the petitioner, above named, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No.98 of 2022, with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(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 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)

Nitesh/-

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

