

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80860 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- ATHMALGOLA District- Patna

AMIRAK RAY @ AMRIK RAY SON OF CHANDESHWAR RAY R/O
VILLAGE- GANJPAN, P.S.- ATHMALGOLA, DIST.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 149, 323, 307 and 302 of the Indian Penal Code.

As per prosecution case, the allegation against the accused persons including the petitioner is that they came in intoxicated condition and assaulted the informant's brother, namely, Sintu Kumar while he was returning to home from Ram Nagar Diyara after taking milk. It is further alleged they also assaulted the informant and other family members due to which his family members sustained injuries and his brother, namely, Sintu Kumar succumbed to injuries.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Both parties are agnates and between them, there was money dispute. All the witnesses are interested witness. There is case and counter case between both the parties. Brother of the informant died due to Septicemia as per postmortem report. It is submitted in para 13 of the petition that his brother was discharged from P.M.C.H. Hospital and thereafter, due to negligence of his family members with respect of care, he died after two months of the occurrence. There is no specific allegation of commission of murder levelled against the petitioner. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 22.08.2023 passed in Cr. Misc. No. 22.08.2023. It is further submitted that the petitioner is languishing in judicial custody since 28.08.2023.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Athmalgola P.S. Case No. 310 of 2022 on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the
satisfaction of learned S.D.J.M., Barh Patna.

(Sunil Kumar Panwar, J)

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