

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23877 of 2024

Arising Out of PS. Case No.-251 Year-2022 Thana- NIRMALI District- Supaul

DEEPAK RAY SON OF UMESH RAY RESIDENT OF VILLAGE -
DIGHIYA, W. NO. 5, P.S. -NIRMALI, DISTRICT - SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-06-2024 Heard the parties.

2. The petitioner is in custody in connection with Nirmali P.S. Case No. 251 of 2022 for the offence punishable under section 394 of the Indian Penal Code lodged on 11.12.2022 by the informant, Md. Shahzad.

3. As per the prosecution story, the informant was moving with the cash to purchase cock from the market, midway the accused persons blocked the road with their respective motorcycles and specific allegation against this petitioner is that he threatened and wanted cock immediately. However, the injured's requested that he is going to purchase it and will be providing him on return, infuriated, was brutally assaulted by belt as also by bamboos. When the locals tried to stop him, they too were threatened whereafter allegation is of



relieving him of Rs. 50,000/-. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has already suffered by being in custody since 01.05.2023 (paragraph-14 of the petition) and further undertakes both to diligently appear in trial as also not to indulge in any further criminal activity.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Though the petitioner have criminal antecedent, taking into account the fact that he has remained in custody since 01.05.2023, FIR lodged and will ultimately be facing the trial, this Court is inclined to extend him the privilege of bail after framing of the charge with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Birpur at Supaul, in connection with Nirmali P.S. Case No. 251 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station till the conclusion of trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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