

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32703 of 2024

Arising Out of PS. Case No.-397 Year-2022 Thana- BARARI District- Katihar

Abhishek Ray @ Tiger Son Of Jairam Ray Resident Of Village- Bakharpur,
P.S.- Pirpaithi, Dist-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34293 of 2024

Arising Out of PS. Case No.-397 Year-2022 Thana- BARARI District- Katihar

Dhiraj Singh Son of Arvind Kumar Singh Resident of Village - Bakharpur,
P.S.- Pirpaity, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32703 of 2024)

For the Petitioner/s : Mr.Shivendra Prasad, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 34293 of 2024)

For the Petitioner/s : Mr.Priya Ranjan, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 14-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State in both the cases aforementioned.

2. The petitioners seek regular bail in connection with
Barari P.S. Case No. 397 of 2022 lodged on 02.11.2022 under
Sections 147, 148, 149, 341, 386, 302, and 120B of the Indian
Penal Code.

3. As per the prosecution case, the FIR has been
lodged against five named accused persons along with 15



unknown with an allegation of killing the son of the informant by causing gunshot injury.

4. Learned counsel for the petitioners, in both cases, submit that from the content of the FIR, it becomes crystal clear that the specific allegation has been made against five named accused persons whereas the petitioners are not named in the FIR. He further submits that the name of the petitioners has been dragged in the present case under a conspiracy at a later stage. Learned counsel further submits that the antecedent of the petitioners in both cases is not clean. The petitioner in Criminal Miscellaneous No. 32703 of 2024 is accused in two more criminal cases, but in both cases, he has been granted bail and he is in custody since 22.07.2023 whereas the petitioner of Criminal Miscellaneous No. 34293 of 2024 is accused in five more criminal cases, but in all the cases, he has been granted bail and he is in custody since 22.07.2023. He further submits that on an earlier occasion, case diary had been called for.

5. Learned counsel for the State opposes the prayer for bail and submits that though the name of the petitioner is not there in the FIR but witnesses have disclosed in different paragraphs that they were present along with the mob.

6. Considering the fact that the FIR has been lodged



specifically against the named accused persons with allegation of act and overt-act and the names of the petitioners are not there, let the petitioners above-named be released on bail, but only after framing of charge, if the same has not been framed and the trial court on being satisfied that the petitioner of Criminal Miscellaneous No. 32703 of 2024 is not absconding in (i) Barari P.S. Case No. 403 of 2022; (ii) Barari P.S. Case No. 12 of 2023, as mentioned in paragraph no.3 of the bail application whereas petitioner in Criminal Miscellaneous No. 34293 of 2024 is not absconding in (i) Barari P.S. Case No. 403/2022 (ii) Barari P.S. Case No. 132/2022 (iii) Barari P.S. Case No. 12/2023 (iv) Manihari P.S. Case No. 221/2021 and (v) Manihari P.S. Case No. 209 of 2021, as mentioned in paragraph no.3 of the bail application, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM - III, Katihar, in connection with Barari P.S. Case No. 397/2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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