

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34695 of 2024

Arising Out of PS. Case No.-999 Year-2022 Thana- BIHTA District- Patna

Dinesh Ray S/O Jawahar Ray @ Javahir Ray @ Jawahir Yadav R/O Village-
Ajaybganj, Ajaybgang, P.S- Bhagwan Bazar, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raushan Raj, Advocate Ms. Manisha Khushi, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bihta P.S. Case No. 999 of 2022 dated 29.09.2022, instituted for the offence punishable under Sections 147, 148, 149, 307, 379, 120B, 160, 216, 320 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence, at Sone Diara near Kawariya Ghat, firing was going on between two groups to assert supremacy over sand mining. When the informant reached the place of occurrence, all of them fled away. Local *chowkidar* and villagers named all the F.I.R. named accused persons. In cross firing, four persons were



killed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the present case has been lodged against 20 named accused persons and 25-30 unknown accused persons. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. The name of the petitioner has been dragged in this case only on the basis of confessional statement of Vinod Rai, who has been granted bail vide order dated 21.04.2023 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 11470 of 2023. Similarly situated co-accused namely, Golu Kumar has also been granted bail *vide* order 19.04.2024 passed by this Court in Criminal Miscellaneous No. 642 of 2024. No incriminating articles has been recovered from the conscious possession of the petitioner. Lastly, it has been submitted that the petitioner is in custody since 22.12.2023 having three criminal cases against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Danapur, Patna, in connection with Bihta P.S. Case No. 999 of 2022, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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