

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37233 of 2024

Arising Out of PS. Case No.-94 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Guddu Ray @Guddu Kumar Ray (M), aged about 20 years, Son of Umesh Ray, resident of village-Nariyar, P.S.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-06-2024 Heard Ms. Rashmi Jha, learned counsel appearing on behalf of the petitioner and Mr. Ahmad Ali, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Saharsa Sadar P.S. Case No. 94 of 2023 registered for the offence punishable under Sections 341, 323 and 307 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner took the son of the informant from the house and beaten him with fighter causing serious injury on the head and finally, the son of the informant was died in course of treatment.

4. Learned counsel appearing on behalf of the petitioner submitted that the deceased had met with an accident and the petitioner has been dragged in a false case. Admittedly,



the deceased had died due to head injury after he having bounced against the wall as the motorcycle became imbalanced. At the time of incidence, the informant was not present at the place of occurrence. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the informant is the witness to the fact that the petitioner had took her son from the house and, thereafter, her son was found unconscious and ultimately, in course of treatment, he died. The main ground for grant of bail as pleaded on behalf of the petitioner is that the informant was not the eye-witness rather her son had died due to accident. It has been recorded in the impugned order that death has been caused due to head injury as a result of external trauma to the head and the complicity of the petitioner in the death of the son of the informant cannot be denied. However, the petitioner, if so advised, may surrender before the learned district court and seek regular bail.

7. The learned district court is directed to pass order on the basis of material available on record, as well as, the



evidences which has come in course of investigation same day.

8. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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