

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38643 of 2024

Arising Out of PS. Case No.-526 Year-2023 Thana- BAKHTIYARPUR District- Patna

Umesh Ray Son of Late Arjun Ray R/O VILL.- Ranisarai, P.S.- Bakhtiyarpur,
Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner, learned APP for
the State and perused the case diary.

2. The petitioner seeks bail in connection with
Bakhtiyarpur P.S. case No. 526 of 2023 instituted for the
offences under Sections 302/34 of the Indian Penal Code.

3. Prosecution case, in short, is that, on the alleged
date and time, the brother of the informant told him on phone
that petitioner along with other co-accused persons were
assaulting him, and he further told that it seemed him that they
would kill him. It is further alleged that when the informant
searched his brother, he found that his brother was dead and was
hanging in a *Pipal* tree with a *gamchha*. It is further alleged that
the informant saw five persons including this petitioner fleeing



away from the place of occurrence.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case merely on suspicion. No incriminating article has been recovered from the conscious possession of the petitioner. He further submitted that informant is not the eye-witness to the occurrence. He further submitted that no motive of the petitioner has been assigned to prove his involvement in the present case. It is further submitted that in paragraph no.47 of the case diary it has come that the accused were found in the four wheeler which is vague and not specific with regard to the presence of the petitioner on the alleged date and time of occurrence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.12.2023 and has one criminal antecedent. Other co-accused has been granted bail by this Court *vide* order dated 01-05-2024, passed in Cr. Misc. No. 18945 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bakhtiyarpur P.S. case No. 526 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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