

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55757 of 2024

Arising Out of PS. Case No.-665 Year-2023 Thana- SAHPUR District- Patna

Pintu Ray, S/O Tipu Ray R/O Village Shankarpur PS Shahpur District Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunit Kumar Srivastava

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2.The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 148, 326, 302, 342 and 120(B) of the Indian Penal
Code and Section 27 of the Arms Act

3.The learned counsel for the petitioner submits
that the petitioner has antecedent of two cases and one case
is under Section 302 of the I.P.C. It is further submitted
that the informant alleges that his brother was well
acquainted with the accused persons including the petitioner
and they often used to sit together. It is next alleged that
the accused persons earlier had threatened his brother that



he would be killed. It is next alleged that on 14.10.2023, he received an information that his brother has been killed and accordingly, he reached the place of occurrence and the saw the dead body of his brother and thus, alleges based on suspicion that accused persons including the petitioner, who are involved in seeking extortion from dealers of sand, killed his brother along with other unknown accused persons.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that it absolutely does not stand to reason that as to why the petitioner would have killed the brother of the informant, when they were on good terms. It is also submitted that the allegation appears to be dichotomic, it is next submitted that the informant alleges that his brother was having good relation with the petitioner and other accused persons and thereafter, alleges that his brother was also threatened earlier that he would be killed. It is submitted that the said allegation has been alleged only to give seriousness to the case. It is next submitted that informant is not an eye witness to the occurrence and the



entire allegation hinges around suspicion.

5. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application and submits that what is not in dispute rather stands admitted is that brother of the informant has been killed, but whether he was killed by the petitioner or by someone else is an aspect of investigation, but then, suspicion has been raised against the petitioner. It is also submitted that petitioner has antecedent of two cases and one case is under Section 302 of the I.P.C. and in the event, if the privilege of anticipatory bail is granted to the petitioner, in that event, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating officer of the case to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed



to be released on bail on his furnishing bail-bonds in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of Ms. Kanchan Prabha, the learned J. M., First Class, Danapur, Patna in connection with Shahpur P. S. Case No.665 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner shall be his father namely, Tipu Ray.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Further, it is made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence in that event, the present anticipatory bail order shall loose its effect.



10. Let a copy of this order be sent to the
concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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