

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76833 of 2023

Arising Out of PS. Case No.-526 Year-2023 Thana- GARKHA District- Saran

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SUBASH RAY SON OF RAM ISHWAR RAY RESIDENT OF VILLAGE -
ISMAILPUR, P.S. - GARKHA, DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 10-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Garkha
P.S. Case No. 526 of 2023 registered for the offences punishable
under Sections 341, 323, 379, 307, 504, 506 and 34 of the IPC.

3. As per prosecution case, petitioner is said to have
assaulted by means of farsa upon the head as well as neck of the
informant's father.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 16.08.2023 and bears criminal
antecedent of one case and he orally submits that petitioner is on bail
in the said case. Learned counsel specifically submits that earlier
case has been filed by father of the petitioner one day prior to the
present case and the present case is nothing but the counter blast of
earlier case i.e. Garkha P.S. Case No. 525 of 2023 filed prior to the



present case and the same has been annexed as annexure-2 of the bail petition. He further submits that petitioner is quite innocent and has falsely been implicated in the case. He further submits that ,though, there is specific allegation against the petitioner to assault upon the head and neck of the victim but the injury report is inconsistent with the prosecution story as the injury report indicates that there is only one injury on the middle finger and which is found to be simple in nature caused by hard and blunt object. He further submits that co-accused Devandra Ray has already been granted bail by this Court vide Cr. Misc. No. 76309 of 2023 and the case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra in connection with Garkha P.S. Case No. 526 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in



bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

vashudha/-

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