

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1649 of 2024

Arising Out of PS. Case No.-248 Year-2020 Thana- SHAHPUR PATORI District- Samastipur

Surenbra Ray @ Surenbra Rai S/O JHANTU RAY R/O VILL-UTTARI
DUMARI, P/S- PATORI(MOHANPUR O.P) DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 16-02-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner has renewed his prayer for bail in connection with Shahpur Patori Police Station Case No. 248 of 2020 registered under sections 147, 149, 341 323, 302, 504 of the Indian Penal Code and Section 27 of the Arms Act.
3. This is the third attempt for bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner was rejected *vide* order dated 05.05.2022 in Cr. Misc. No. 59494 of 2021 and *vide* order dated 19.04.2023 passed in Criminal Miscellaneous No. 17183 of 2023.
4. The allegation against the petitioner is that he fired upon the son of the informant due to which died.
5. Learned counsel for the petitioner submits that both the



parties are neighbors and there is a land dispute between them. The petitioner has got clean antecedent and is in custody since 07.04.2021 i.e., for more than two and a half years. He further submits that while rejecting the bail application of the petitioner on the second attempt, this Court had granted liberty to the petitioner to renew his prayer after six months if the trial has not substantially progressed. Learned counsel next submits that trial has not shown any progress and none of the charge sheet witnesses have been examined. This Court vide its order dated 12.01.2024 had called for a report and in pursuance there of Additional District and Sessions Judge, VII, Samastipur, Mr. Ravindra Kumar Roy, has submitted his report stating therein that the charges were framed on 31.01.2023 and there is seven charge sheet witnesses but none of the witnesses have been examined.

6. Regards being had to the submissions made by the parties and taking into consideration the fact that the petitioner is in custody since 07.04.2021 i.e., for more than two and a half years and the trial has not progressed satisfactorily, accordingly, I am inclined to grant regular bail to the petitioner.



7. Let the petitioner, Surendra Ray @ Surendra Rai, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Additional District & Sessions Judge-VII, Samastipur, in connection to the Shahpur Patori Police Station Case No. 248 of 2020.
8. This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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