

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3621 of 2024

Arising Out of PS. Case No.-403 Year-2022 Thana- BARARI District- Katihar

Abhishek Ray @ Tiger S/O Sri Ram Ray R/o Bakharpur, P.S.- Pirpaithi,
District- Bhagapur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeeb Kumar Sanju, Adv.

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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

ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barari
P.S. Case No. 403 of 2022 instituted for the offences under
Sections 147, 148, 149, 341, 323, 307, 302, 201/364, 386,
120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

3. As per prosecution case, the Informant, his son and
other villagers had gone to Bhawanipur Diyara to graze their
cattle. At about 10.30 a.m., the accused persons, about 23 in
numbers, armed with deadly weapons, came there and
demanded extortion of Rs. 2,000/- and they also threatened to
kill, if the demand would not be fulfilled. On protest, one Mona



Thakur threatened to kill all of them. It is further alleged that they abducted the Informant's son along with 2-3 other persons belonged to his village. After search, three dead bodies including the Informant's son were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to village politics. He further submits that the petitioner is not named in the F.I.R. and his name has surfaced in course of investigation. Nothing incriminating has been found from the possession of the petitioner. The petitioner is languishing in judicial custody since 09.01.2023. The petitioner has altogether five criminal antecedents. He has further stated that there is no specific allegation of any overt act against the petitioner. Learned counsel for the petitioner submits that the co-accused Roshan Kumar Pandey and Kundan Kumar Pandey (petitioners in Cr. Misc. No. 41308 of 2023) and Bablu Mehtar (petitioner in Cr. Misc. No. 40500 of 2023) have been granted bail by a Co-ordinate Bench of this Court vide common order dated 30.08.2023. He further submits that co-accused Shashi Kumar Rai @ Shashi Bhushan Rai has also been granted bail by a Co-ordinate Bench of this Court vide order dated 06.06.2023 passed in Cr. Misc. No. 27410 of 2023.



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

6. Considering the entire facts and circumstances of the case as also taking into account there being no specific allegation against the petitioner, let the petitioner, abovenamed, be released on bail 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 Barari P.S. case No. 403 of 2022.

(Rudra Prakash Mishra, J)

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