

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72505 of 2024

Arising Out of PS. Case No.-165 Year-2008 Thana- HASANPUR District- Samastipur

Ajay Kumar Ray @ Lulha Ray @ Ajay Kumar Roy @ Ajay Rai son of Raudi Ray @ Late Raudi Rai Village -Kharahiya (Kharhiya Kharahi), Ward No. 15, P.S -Hasanpur, District -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 04-02-2025 Heard learned counsel for the petitioner as well as learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Hasanpur P.S. Case No. 165 of 2008, registered for the offences punishable under Sections 147, 148, 149, 302, 120(B) of IPC.

3. It has been submitted that earlier the bail application of the petitioner was rejected vide order dated 23.03.2023 in Cr. Misc. No. 61847 of 2022 but the petitioner is renewing his prayer for bail on fresh ground that the informant in his deposition during the trial did not name the petitioner.

4. The prosecution case, in brief, is that the informant, Manjur Sah lodged FIR stating therein that on 13.10.2008, the



informant and Md. Aziz were going to deliver meals to the deceased. The informant saw the petitioner flashing torch light and he also saw the petitioner inflicting knife blows on the neck of the deceased. It has further been alleged that when Md. Aziz raised hulla, one unknown person pointed pistol upon his head. The informant also saw three persons.

5. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. He has further submitted that out of eleven charge sheeted witnesses, only the informant has been examined. He too did not name the petitioner during his deposition. He named co-accused persons Bambam Rai, Ramsabad Rai and Batto Rai. During his deposition, the informant has stated that these three co-accused persons were inflicting knife blows on the deceased. In paragraph no. 6 of his deposition, this witness has stated that the petitioner had no complicity in the alleged occurrence and in paragraph no. 11, he has stated that at the time of lodging of the case, the witness was not in the normal state of mind.

6. On the other hand, the learned APP for the State has opposed the prayer for bail.

7. Considering the above-mentioned facts and circumstances as well as clean antecedent, let the petitioner



above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 1st, Rosera, Samastipur in connection with Hasanpur P.S. Case No. 165 of 2008, subject to the following condition that the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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