

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83218 of 2025

Arising Out of PS. Case No.-159 Year-2019 Thana- TARAIIYA District- Saran

Sudama Ray S/o Rampravesh Ray Resident of Village- Bagahi Harakhpura,
P.S.- Taraiya, Dist.- Saran at Chapra, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-12-2025 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Taraiya P.S. Case No. 159 of 2019, registered for the offences punishable under Sections 307, 120(B) and 324 of the Indian Penal Code and Section 27 of the Arms Act.

3. While the informant along with one Dinesh Sahani had gone to the village Murlipur to attend the marriage ceremony of the daughter of Ramesh Sahani, in the meanwhile, when the informant proceeded for village Deoria, all the three FIR named accused persons chased the informant and fired upon them, due to which one of the bullet hit on the face of the informant. It is further alleged that co-accused Bigu Sahani gave a *farsa* blow over the head of the informant, due to which he



sustained serious injury.

4. Learned Advocate for the petitioner submitted that from the FIR it is evident that the same has been instituted against five named accused persons with a specific allegation, but surprisingly, during the course of investigation, the name of the petitioner has been implicated in this case at the instance of the police personnel, showing him as one of the conspirator. The reason behind the false implication of the petitioner is said to be criminal antecedent, as has been disclosed in paragraph no. 3. Since the petitioner was not named in the FIR and, as such, he was not knowing about the implication of his name in the present case and thus, delay has occurred. Even if the allegation is taken to be true for the sake of argument, the specific allegation has been levelled against the FIR named accused persons.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioner is facing six criminal antecedent over his head, besides the fact during the course of investigation, materials have come, which suggest the involvement of the petitioner in the crime.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the petitioner is not named in the FIR and during the course of investigation, the petitioner has demonstrated as one of the conspirator. Moreover, mere criminal antecedent of a person cannot be a sole ground to refuse the prayer for bail, unless there is cogent material collected during the course of investigation, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 13th, Saran at Chapra in connection with Taraiya P.S. Case No. 159 of 2019, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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