

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23304 of 2021**

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

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1. RAJO RAI @ RAJO RAY Son of Late Kalpu Ray Resident of Village - Uttari Dumri, P.S. - Patori, District - Samastipur
  2. Mahesh Rai @ Mahesh Ray Son of Late Kalpu Ray Resident of Village - Uttari Dumri, P.S. - Patori, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s	:	Mr.Mahendra Pratap, Adv.
For the Opposite Party/s	:	Mr.Md. Fahimuddin, APP
For the Informant	:	Mr.Raja Ram Mishra, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      30-09-2021              Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, Mr. Raja Ram Mishra, learned counsel for the informant and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Patori (Mohanpur O.P.) P.S. Case No.248 of 2020 registered for the offences punishable under Sections 147, 149, 341, 323, 302 and 504 of the Indian Penal Code and Section 27 of the Arms Act. They are in custody since 14.07.2020.

Learned counsel for the petitioners submits that as per



the prosecution story the co-accused Surendra Ray had fired from his pistol which hit on the back of the deceased whereafter he fell down and thereafter the co-accused assaulted him by lathi and danda.

It is his submission that as per the FIR, the petitioner no.1 was having a farsa and petitioner no.2 was having a lathi in their hand and other co-accused were also lashed with iron rod, lathi and sword. therefore, his submission is that the petitioner no.1 was not even lashed with a lathi cannot be said to have been inflicted any blow on the deceased. So far as allegation of assault by lathi is concerned, the same is general and omnibus against other accused persons. It is his further submission that altogether 10 persons are named in the FIR and that indicates over implication of the accused.

The petitioners have otherwise no criminal antecedent.

Learned counsel for the informant as well as learned APP for the State are not in a position to controvert the submission of learned counsel for the petitioners.

Considering the facts and circumstances of the case wherein the petitioner no.1 is said to be lashed with a farsa however there is no specific allegation that he had assaulted the



deceased by farsa and allegation of assault by lathi is against four accused persons which is general in nature, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Samastipur in connection with Patori (Mohanpur O.P.) P.S. Case No.248 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

