

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.55553 of 2015**

Arising Out of PS.Case No. -257 Year- 2010 Thana -RAJGIR District- NALANDA  
(BIHARSHARIFF)

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Rajo Rajbanshi Son of Shree Rajbanshi, Resident of Village- Nai Pokhar,  
P.S :- Rajgir District Nalanda.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Samir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore (APP)

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      19-01-2016                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

Petitioner is languishing in jail custody since  
28.07.2015 in connection with Sessions Trial No. 343 of 2015,  
arising out of Rajgir P.S. Case No. 257 of 2010 registered for the  
offences punishable under Sections 302, 201/34 of the Indian  
Penal Code.

The prosecution case is that on 24.10.2010 at about  
18:45 hours, the informant, who is security guard in Ordnance  
Factory, Rajgir, gave his fardbeyan that while on duty in the  
evening at 17:00 hours on the same day, he found a dead body  
near the factory premises in a bush.

It has been submitted by the counsel for the petitioner  
that petitioner is not named in the First Information Report and has  
no criminal history. During investigation, after identification of

the dead body of the deceased, father of the deceased has named this petitioner to be friendly and having seen this petitioner along with the deceased. Father of the deceased has also stated that this petitioner is his neighbour and both, his deceased son and the petitioner used to go to work together.

Learned A.P.P. appearing on behalf of the State, however, submits that the petitioner has been named by the father of the deceased. Hence, petitioner is not entitled to be enlarged on bail.

Taking into consideration the above facts and the fact that the petitioner has not been named in the First Information Report and a Coordinate Bench of this Court has already granted the privilege of bail to another co-accused, Binod Chaudhary having same allegation, under order dated 12.05.2011 passed in Cr. Misc. No. 13183 of 2011, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-Vth, Nalanda at Biharsharif in connection with Sessions Trial No. 343 of 2015, arising out of Rajgir P.S. Case No. 257 of 2010.

**(Nilu Agrawal, J.)**

Arjun/-

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