

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34116 of 2018

Arising Out of PS.Case No. -12 Year- 2018 Thana -PALIGANJ District- PATNA

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1. Madheshwar Rajwar, Son of Late Rajkuwar Rajwar.
 2. Sudhir Rajwar, Son of Madheshwar Rajwar.
 3. Bajarangi Rajwar, Son of Late Rajkuwar Rajwar.
 4. Nandu Rajwar @ Nand Rajwar.
 5. Indal Rajwar
 6. Bijendra Rajwar

All Sons of Bajarangi Rajwar

All are resident of Village- Akuri Bawan Pokhar, P.S.- Paliganj,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 24-07-2018

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State. Learned counsel for the
informant is also present.

The petitioner No. 1 is in custody since 15.01.2018,
petitioner No. 6 is in custody since 03.01.2018 whereas petitioner
Nos. 2, 3, 4 and 5 are in custody since 16.01.2018 in connection
with Paliganj P.S. Case No. 12/2018 registered for the offences
punishable under Sections 302/120(B)/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the
main allegation against petitioner Nos. 1 to 5 is that they have
been instrumental in accosting the deceased which led to the firing



by petitioner No. 6 herein who is said to have fired in the air and his shot has not hit anybody. Learned counsel for the petitioner further submits that the trial has substantially progressed and most of the witnesses have been examined. However, the examination of the Investigating Officer and the Doctor remains to be taken and, thereafter, the defence witness will also be examined. He thus submits that since these petitioners are having no specific role and having not been named as the main assailant may be extended the privilege of bail.

Learned counsel appearing on behalf of the informant, however, resists the application for bail on the ground that these petitioners had surrounded the deceased which led to his murder.

Learned counsel appearing on behalf of the State after perusal of the case diary also submitted that the main allegation is against the two, who have fired, and the injuries caused by the two namely, Randhir Rajwar and Durga Rajwar which led to the death of the husband of the informant.

It appears from the depositions which have been placed before this Court by the informant that five witnesses have already been examined in the trial and the trial is likely to continue for some time.



Considering the aforementioned facts and circumstances and that these petitioners are not having any specific role, save and except that they were members of the crowd, let the petitioners above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VII, Danapur, Patna, in connection with Paliganj P.S. Case No. 12/2018, subject to the following conditions:-

- (1) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or their wife.
- (2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.
- (3) The petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of



bail.

The trial of the case is directed to be expedited so as the same may be concluded within a period of six months from today.

(Anjana Mishra, J)

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