

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33495 of 2018**

Arising Out of PS. Case No.-811 Year-2016 Thana- BIHTA District- Patna

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Rajnish Kumar S/o Sri Umesh Sharma @ Shri Umesh Singh, R/o Vill.- Paltu  
Chhatni, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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

3     18-07-2018                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner had earlier moved for bail which was rejected vide order dated 18.10.2017 passed in Cr. Misc. No. 41916 of 2017. Petitioner is languishing in judicial custody since 26.05.2017 in connection with Bihta P.S. Case No. 811 of 2016 registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while his brother Anjani Kumar @ Mithu (deceased) had gone to the veterinary medical shop to buy medicine, 6-8 miscreants fired at him and killed him. It came to the knowledge



of the petitioner that some persons used to ask rangdari from the informant's brother.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and it is only during investigation and his confessional statement and confessional statement of other co-accused before the police, which has no evidentiary value in the eye of law and because of being on inimical terms due to political election, that the petitioner has been made accused. He submits that charge-sheet has already been submitted and on similar allegation co-accused has already been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 27947 of 2017 vide order dated 17.07.2017. He submits that the petitioner's name was included by the police as is evident from Paragraph 14 of the case diary and later on, the restatement of the informant was taken on the same day in which the petitioner has been named as an after thought. He submits that the CDR location of the mobile of the petitioner was not at the place of occurrence and the deceased himself was of a criminal character as many cases were pending against him.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner has a criminal



antecedent and as many as six cases are pending against him, some under heinous offence.

Considering the facts and circumstances and the materials on record as well as the period of custody and that the other co-accused has already been granted the privilege of bail, let the petitioner, named above, 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 the learned Addl. Chief Judicial Magistrate-I, Danapur, Patna in connection with Bihta P.S. Case No. 811 of 2016, subject to the conditions that:

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.

(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two



consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

**(Nilu Agrawal, J)**

Arjun/Pragya

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