

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31569 of 2019

Arising Out of PS. Case No.-200 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

Rajiv Kumar @ Rajiv Mali, aged about 35 years, Male, Son of Late Jitendra Prasad, Resident of Mohalla-Ward No.7 Dighi Kala (East) Near Block Gate, P.S-Hazipur Sadar District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Hazipur Sadar P.S. Case No. 200 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 337, 338, 307 and 302 of the Indian Penal Code.

The prosecution case in brief is that on 12.05.2017, Manish Kumar gave an information through mobile to the informant Aakash Kumar that Raju Kumar along with 15 unknown persons are quarrelling to which informant Aakash Kumar came at Block gae Dighi, where he saw that Rajiv Kumar along with 15 persons assaulted Manish Kumar and Niraj Kumar by means of bricks and stones. In consequence of



which Manish Kumar and Niraj Kumar injured and became unconscious. The accused persons have also assaulted the informant Aakash Kumar by means of bricks and stone and he became unconscious due to injuries. All the three injured persons have been thrown behind Sudha Devi factory under unconscious stage. When the informant got conscious, saw petrolling vehicles of Industrial Police Station. He sought help of petrolling party. The petrolling party carried them to the Hospital where doctor has declared Manish Kuamr and Niraj Kumar dead and the informant was referred to P.M.C.H. for better treatment.

Learned counsel for the petitioner submits that there is general and omnibus allegation against the petitioner. The petitioner is innocent and has committed no offence. Prosecution case is maliciously false, fabricated and no occurrence did take place at Hajipur Block gate. He further submits that the petitioner emphatically denied the allegation levelled against him. Actually, the informant and his friend Manish Kumar and Niraj Kumar are veteran criminals and they are accused of bank robbery and several other criminal case, which are still going on against them. Learned counsel for the petitioner further submits that the charge sheet has been



submitted against the accused persons.

In the facts and circumstances of the case, let the petitioner above named be released on bail after framing of the charge on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 7th Additional Sessions Judge, Vaishali at Hajipur in connection with Hazipur P.S. Case No. 200 of 2017, subject to the following conditions :

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

This application stands disposed of.

(Anjani Kumar Sharan, J)

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