

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47563 of 2019**

Arising Out of PS. Case No.-11 Year-2019 Thana- MANSI District-
Khagaria

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ROSHAN RAJ @ RAUSHAN KUMAR, male, aged about 19 years, Son of
Rakesh Kumar Resident of Village-Taufi diyara, Toufir Kajo mahto, Police
Station-Munger, District-Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Siddhartha Prasad, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 31-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 342, 307, 386/34 of the Indian Penal
Code and Section 27 of the Arms Act registered in connection
with Mansi P.S. Case No. 11 of 2019.

3. It is submitted that the petitioner has been falsely
implicated as the prosecution story is not substantiated.
Statement is made at the Bar that while the occurrence is said to
have transpired at 6.30 p.m. whereas the injury report has been
prepared prior thereto at 6.20 p.m. The F.I.R. has been lodged by
the informant who is none other than the cousin of Guddu Yadav,
the latter having been convicted on 14.06.2016 in Munger



Mufassil P.S. Case No. 96 of 2011 upon the deposition of the petitioner's father. So also, the informant's uncle Kailu Yadav and the informant's cousin Manish Kumjar have been convicted after lodging of the present F.I.R. by judgments dated 18.06.2019 and 28.06.2019 in the said case.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 11 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner 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 reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that the injury report has been prepared at 6.20 p.m. prior to time of occurrence stated as 6.30 p.m.; and that the informant of Munger Mufassil P.S. Case No. 96 of 2011 is the petitioner's father, failing which his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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