

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18079 of 2020

Arising Out of PS. Case No.-174 Year-2019 Thana- HULASGANJ District- Jehanabad

RAUSHAN KUMAR, S/o Mithlesh Singh R/o village- Manikchak, P.S.-
Islampur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.

5 12-10-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code and 27 of the Arms Act.

Informant has alleged that his brother had opened a
refreshment shop at Hulasganj in partnership and on 02.12.2019
at 6:30 P.M., when his brother Rajnikant was at this shop, FIR
named accused including the petitioner came to his shop and
took breakfast and when they came at the counter to make
payment, Rs. 140/- was demanded but co-accused Dhiraj Kumar
paid only Rs. 100/- and on demand of rest amount of Rs. 40/-,



Vijay Pandit, who was present at the counter, was beaten and assaulted by the accused persons and thereafter all the accused persons went out of the shop. Further allegation is that when Rajnikant Pandey (owner of the shop) came to know about the aforesaid incident, he asked his staff to lodge FIR on the basis of CC TV video footage and thereafter he left for his home but in the midway, he was apprehended, assaulted and beaten by the accused persons and one co-accused Dhiraj Kumar took out the pistol from his waist and shot Rajnikant, who died on the spot.

It is has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that there is no any specific allegation of overt act against the petitioner rather the specific allegation is against co-accused Dhiraj Kumar who fired upon deceased Rajnikant as a result of which he died on the spot. Petitioner is in custody since 14.12.2019 having no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Hulasganj P.S. Case No. 174 of 2019 with following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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