

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20096 of 2020

Arising out of PS. Case No.-63 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Awadhesh Rai (Male), aged about 40 years, Son of Rajendra Rai, Resident of Village-Shiekpur, P.S.-Ahiyapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 03-07-2020 The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Arun Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Ahiyapur P.S. Case No. 63 of 2020 dated 18.01.2020, instituted under Sections 302/120(B) of the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner is that he was also involved in the conspiracy resulting in the killing of the son of the informant.

5. Learned counsel for the petitioner submitted that



though specific names have been taken with regard to various persons, who may have past enmity, but with regard to the petitioner, there is passing reference and, that too, in very vague terms. It was submitted that the informant in the concluding portion of the FIR has stated that she had come to the petitioner complaining about his son Aniket Kumar, who is also one of the co-accused against whom there is specific allegation and further, it has been submitted that petitioner asked her that the matter be compromised, otherwise, there would be grave consequences. Learned counsel submitted that only because the petitioner is the father of a co-accused, and even if it is believed that the informant had come to complain about his activities, he cannot be accused of any conspiracy as there was no enmity between him and the deceased and it has nowhere come that at the direction of the petitioner, shooting of the deceased took place. Further, it was submitted that there has been no recovery from the petitioner of any incriminating material. Learned counsel submitted that the petitioner having no criminal antecedent is in custody since 19.01.2020.

6. Learned APP submitted that as per the allegation in the FIR, the petitioner, along with six other persons, had a role in the killing.

7. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/-(twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in Ahiyapur PS Case No. 63 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforesaid terms.

(Ahsanuddin Amanullah, J)

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