

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30518 of 2020**

Arising Out of PS. Case No.-151 Year-2018 Thana- UCHKAGAON District- Gopalganj

RAKESH KUMAR @ RAKESH PRAJAPATI S/o- Dinesh Prajapati @
Dinesh Kohar R/o Village- Barka Manjha, Thana P.S.- Mairwa, District-
Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Akshay Lal Pandit, Advocate

For the Opposite Party/s : Mr.Pradeep Narayan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-11-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Pradeep Narayan Kumar, learned A.P.P. for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Uchkagaon P.S. Case No. 151 of 2018
registered for the offences punishable under Sections 307, 452,
326, 302, 120(B) of the Indian Penal Code and Section 27 of the
Arms Act.

Learned counsel for the petitioner submits that as per
the first information report, while the informant was at his door
talking with his elder son Satyendra Chaudhary (deceased) and
Mukhiya Pati Ashok Sah, accused Suresh Chaudhary and Bablu



Dubey came there on motorcycle and Suresh Chaudhary shot at his son and when the informant ran to save him then accused Bablu Dubey shot at the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He is not named in the FIR and his name has come in the confessional statement of co-accused. It is further submitted that there is no allegation of firing against the petitioner. It is further submitted that co-accused Suresh Chaudhary against whom there is allegation of firing upon the deceased has been granted privilege of regular bail by a learned co-ordinate Bench of this Court vide order dated 05.02.2020 passed in Cr. Misc. No. 85417 of 2019 and co-accused persons Suraj Tiwary and Suraj Singh have also been admitted to regular bail vide order dated 23.01.2019 passed in Cr. Misc. No. 2579 of 2019 and vide order dated 1.04.2019 passed in Cr. Misc. No. 15642 of 2019 respectively.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the contention of learned counsel for the petitioner that there is no allegation of firing against him and the



co-accused Suresh Chaudhary @ Suresh Prasad Yadav against whom there is specific allegation of firing upon the deceased has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 85417 of 2019 vide order dated 05.02.2020 and then other co-accused, namely, Suraj Singh and Suraj Tiwary have been granted bail in Cri. Misc. No. 15642 of 2019 and Cri. Misc. No. 2579 of 2019, the petitioner is in custody in connection with this case since 02.01.2019 though he is not an assailant and that in the three criminal antecedents which have been disclosed in paragraph '3' of the present application, the petitioner has been on bail, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-I -cum- Spl. Juvenile Court, Gopalganj, in connection with Uchkagaon P.S. Case No. 151 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

