

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18644 of 2021

Arising Out of PS. Case No.-84 Year-2020 Thana- MUSRIGHRARI District- Samastipur

Jitendra Kumar @ Jitu Rai, Son of Suresh Rai, Resident of Village-Rahimpur
Rudauli, P.S.-Muffasil, District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-10-2021 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Musrigharari P.S. Case No.84 of 2020 registered for the offence
punishable under Sections 341, 307, 326, 302, 120B of the
Indian Penal Code and Section 27 of the Arms Act.

The informant has alleged that six persons variously
armed have opened fire. Arvind Kumar Rai and Shankar Rai
have received bullet injury and subsequently succumbed to the
injuries.

Counsel for the petitioner submits that the FIR has
been lodged as an eye-witness and the allegation is levelled



against six named persons. Petitioner is not one amongst the six named accused. In the investigation, he has been roped in this case on the basis that he has given shelter to the accused persons. He was remanded in this case on 05.10.2020 while he was in custody in connection with another case.

Submission is that the implication is unsustainable. His implication is solely on the fact that he has antecedents in seven cases, as per the disclosure made in paragraphs 3 of the bail application

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Samastipur, in connection with Musrigharari P.S. Case No.84 of 2020, subject to the following conditions:

- (i) That one of the bailors
will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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