

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23255 of 2021

Arising Out of PS. Case No.-76 Year-2015 Thana- RAFIGANJ District- Aurangabad

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Bihari Ji @ Bihari Rawani @ Shyam Bihari @ Shyam Bihari Chandravanshi
Son Of Late Shankar Rawani Village Jujharpur, P.S. Goh, District
Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is seeking regular bail in connection with Rafiganj P.S. Case No. 76 of 2015 instituted for the offences under Sections 302 and 34 of the Indian Penal Code read with Section 27 of the Arms Act and Section 17 of the C.L.A. Act.

Learned counsel for the petitioner, at the outset, submits that the petitioner is in custody since 10.07.2020 and charge sheet has been submitted in the case. He further relies on two orders of this Court by which the co-accused have been granted regular bail vide order dated 07.04.2021 in Cr. Misc. No. 38472 of 2020 (Tyagi Ji @ Baba @ Chandeshwar Rajak)



and order dated 04.02.2017 in Cr. Misc. No. 982 of 2017 (Chuta Ravidas @ Brij Mohan Ram).

Learned counsel for the petitioner submit that the present petitioner is similarly situated like that of the aforesaid two co-accused. Learned counsel further submits that petitioner is named in the F.I.R. along with others and they were seen near village Akauni and that they had brought a person after catching him and killed him as he was member of T.P.C. The petitioner is alleged to be an active member of M.C.C.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no incriminating article has been recovered from the possession of the petitioner. Further, during the course of investigation it has not come that the petitioner has participated in the occurrence. The allegations are general and omnibus like that of Chuta Ravidas and Tyagi Ji.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 10.07.2020, co-accused have been granted bail and charge-sheet has been submitted, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees



Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-XIV, Aurangabad in connection with Rafiganj P.S. Case No. 76 of 2015 subject to the condition as laid down under Section 437 (3) Cr.P.C,

And further condition that both the bailors shall be residence of territorial jurisdiction of the learned court below, the petitioner shall not leave the country without permission of the trial court, the petitioner shall fully co-operate with the trial of the case.

In the event, the court below is satisfied that the petitioner is trying to evade the trial, it will be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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