

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26319 of 2021**

Arising Out of PS. Case No.-358 Year-2013 Thana- HAJIPUR SADAR District- Vaishali

RAJNISH KUMAR @ RAJNISH PRASAD S/O RAJENDRA CHAURASIA
R/o village- Loma, P.S.- Tisiauta, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 29-07-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302, 120(B),34 of the Indian Penal Code.

As per the prosecution case, the petitioner along with other accused persons were inmates of a ward in a jail where one of the detenu, Ram Balak Rai, was found to be killed. The post mortem report shows that he died because of Asphyxia and throttling. It is alleged that the petitioner and other accused persons committed the murder of the deceased.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. The name of the petitioner surfaced in the case only on the basis of suspicion. There is no eye witness of the occurrence and there is no material on record to implicate the petitioner in this case. Similarly



situated other accused persons have already been granted bail by this court vide order dated 22.09.2014 passed in Cr. Misc. No. 28712 of 2014 and other analogous cases. Petitioner is in custody since 23.01.2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur PS case No. 358 of 2013 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

BKS/-

U		T	
---	--	---	--

