

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26220 of 2021

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

BHUPENDRA RAJAK @ SANJIVAN JI @ SAJIVAN BAITHA S/o Bilash
Rajak @ Rambilas Rajak @ Bilash Baitha Resident of Village- Lapura, P.S.-
Mufasil, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 302 and 34 of
the Indian Penal Code, section 27 of the Arms Act and section
17 of the CLA Act.

As per the prosecution case, it is stated by the
informant that on a dead body being discovered inquiries were
made. It transpired that the accused persons including Tyagi Jee
and the petitioner herein as also 20-22 others were seen taking
away one person followed by sound of firing and the person
was found murdered. It is further stated that they were raising
slogan of 'Maoist Jindabad'.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case at the instance of his enemies. No incriminating material has transpired against the petitioner in course of investigation. He is in custody since 10.7.2020 and the above named Tyagi Jee has been enlarged on bail vide order dated 7.4.2021 passed in Cr. Misc. No. 38472 of 2020.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case including grant of bail to co-accused Tyagi Jee, the petitioner is directed to be enlarged on bail in connection with Rafiganj P.S. Case no. 76 of 2015 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge XIV, Aurangabad (Bihar).

In view of the report of of the learned court below according to which trial has commenced and two witnesses have been examined on behalf of the prosecution, it is directed that the petitioner shall cooperate in the trial. He shall remain physically present in court on each date and in case of his absence on any date for reasons not to the satisfaction of the learned trial Court, the learned trial court may cancel the bail



bond of the petitioner and take him into custody till conclusion
of the trial.

(Partha Sarthy, J)

Spd/-

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