

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30360 of 2021

Arising Out of PS. Case No.-100 Year-2020 Thana- LALGANJ District- Vaishali

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Rakesh Kumar S/O Late Ramjee Singh R/O Village-Namidih, P.S.-Lalganj,
District-Vaishali at Hajipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Jeetendra Narayan
For the Informant	:	Mr.Anup Kr. Pandey
For the State	:	Mr.Pramod Kr. Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 04-10-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Lalganj P.S. Case No. 100
of 2020, registered for the offence under Section 302 & other
allied sections of the Indian Penal Code.

As per the prosecution case, the petitioner is alleged
to have assaulted the deceased by spade.

It is submitted on behalf of petitioner that *post-*
mortem report does not corroborate the allegation and the doctor
has opined that injury on the person of deceased has been
caused by hard blunt substance. Similarly situated co-accused
Kripesh Kumar @ Tripesh Kumar Singh, against whom there
was allegation that he assaulted the deceased with *lathi*, has



already been granted bail by a coordinate Bench of this Court, vide order dated 27.09.2021 passed in Cr. Misc. No. 26915 of 2021. Petitioner has got clean antecedent and he is in custody since 11.01.2021. Chargesheet has been submitted.

However, learned counsel for the informant vehemently opposed the bail petition and submitted that petitioner is order-giver and also assaulted the deceased by spade.

Considering the aforesaid facts and circumstances as well as the fact that similarly situated co-accused has already been granted bail, the bail petition of petitioner is allowed.

Let the above named petitioner 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 ACJM IX, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 100 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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.)

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