

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31057 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- SONBERSA District- Sitamarhi

RAJIV KUMAR DAS @ RAJIV DAS SON OF LATE CHANDRADEV
DAS R/O VILLAGE- MATIYAR KALA, P.S.- SAHIYARA, DISTRICT-
SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Adv.

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Sonbersa PS case no. 21 of 2020 instituted for the offences
punishable under Sections 302, 120(B)/34 of Indian Penal Code
and 27 of Arms Act.

The allegation, as per First Information Report,
is that the first son of the informant was killed earlier by some
of the co-accused persons named therein and there was a
pressure upon the informant to compromise the matter, however
on account of refusal by the informant to enter into a
compromise, the accused persons of that case were convicted,
whereafter the petitioner along with other accused persons;
totaling 11 in number are alleged to have killed another son of



the informant, who was the prime witness in the first case. It has further been alleged that on the date of occurrence, the petitioner and others were seen moving around the village on motorcycles and on other vehicles and the son of informant was found dead having bullet injury at 1 pm in the afternoon.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 19.01.2021. The learned counsel for the petitioner has further submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 01.03.2021, passed in Cr. Misc. no. 34780 of 2020. The learned counsel for the petitioner has also referred to the said order dated 01.03.2021 to submit that a bare perusal of the case diary would show that the petitioner is not having any complicity in the matter.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate-IV, Sitamarhi in connection with Sonbersa PS case no. 21 of 2020.

(Mohit Kumar Shah, J)

rinkee/-

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

