

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 22473 of 2020**

Arising Out of PS. Case No.-192 Year-2018 Thana- KHODAWANDPUR District- Begusarai

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MUKESH RAJAK Son of Sri Madan Rajak Resident of Village-Khanjapur,
P.S.-Cheriya Bariyarpur, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Lalmani Sharma, Advocate

For the Opposite Party/s : Mr Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 22-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Khodawandpur Police
Station (for brevity, *PS*) Case No 192 of 2018 instituted for the
offence punishable under Sections 326, 307/34 of Indian Penal
Code and Section 27 of Arms Act.

Earlier, the prayer for bail on behalf of the petitioner
was rejected under order dated 04.12.2019 passed in Cr Misc
No 72320 of 2019 (Annexure 1).

The prosecution case is that the informant, who
happens to be brother-in-law of the petitioner, has been fired
upon by the accused persons. The gunshot hit in his chest.

Learned Senior Counsel for the petitioner submits that



much time has elapsed since earlier rejection of the petitioner's prayer for bail. The petitioner continues to be in custody since 28.06.2019. From perusal of the prosecution case, it is apparent that there was subsisting dispute between the parties. At the spur of the moment, the occurrence had taken place where both parties were expressing hostility against each other. The petitioner is accused in one more case in which he is on bail.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Begusarai in Sessions Trial No 494 of 2019 (CIS No 653 of 2019) arising out of Khodawandpur PS Case No 192 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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