

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47315 of 2021

Arising Out of PS. Case No.-242 Year-2020 Thana- BARH District- Patna

RAJA SINGH @ RAJWA S/o Ram Ikwal Singh R/o village- Bichali Malahi,
P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2021 Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in S. Tr. No. 81 of
2021 arising out of Barh P.S. Case No.242 of 2020 registered
for the offence under Section 302/34 of the IPC and Section 27
of the Arms Act.

As per prosecution case, on 08.07.2020, while the
brother of the informant (deceased) was going to purchase milk,
two unknown miscreants came on motorcycle and shot his
brother dead and, thereafter, both of them fled away towards
Suhari.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and petitioner is not named in the FIR. He further submits that as per FIR two persons had come and fired upon the deceased. He further submits that it appears from the confessional statement of co-accused, Sobha Devi and Golu Kumar @ Sunny, the petitioner and other co-accused persons have been made accused in the present case. He further submits that during investigation, no direct involvement or specific evidence has come against the petitioner. He further submits that chargesheet has already submitted against the petitioner and similarly situated co-accused, namely, (1) Golu Kumar @ Sunny has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc.No. 34385 of 2020 vide order dated 26.02.2021, (2) Mohit Kumar @ Aditya Kumar and Manish Kumar have been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 1795 of 2021 vide order dated 16.03.2021 and (3) Shobha Devi has also been granted regular bail by a Co-ordinate Bench of this Court passed in Cr.Misc. No. 8565 of 2021 vide order dated 24.06.2021. Petitioner is in custody since 14.07.2020.

However, learned APP for the State vehemently



opposed the prayer for regular bail of the petitioner and submitted that petitioner has four criminal antecedents.

Considering the period of custody of the petitioner as well as the aforesaid facts, the above named petitioner is directed to 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 Additional District & Sessions Judge-V, Barh (Patna) in connection with S. Trial No. 81 of 2021 arising out of Barh P.S. Case no. 242 of 2020 with following conditions:-

(i) 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.

(ii) 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.

(iii) 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.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

brajesh kumar/-

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