

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4841 of 2021**

Arising Out of PS. Case No.-58 Year-2020 Thana- RAJNAGAR District- Madhubani

RAJU KUMAR Son of Shri Lal Bihari Singh Resident of Village - Selra, P.S.
- Jaynagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 25-06-2021 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Rajnagar P.S. Case No. 58 of 2020 registered for the offense punishable under Section 395 of the Indian Penal Code 1860.

The prosecution case is that on 23.2.2020 while the informant was going towards his shop on his bike he was intercepted by some miscreants and thereafter three miscreants arrived on the Motorcycle and asked him to open the dicky of the bike and on protest, one of the accused persons fired upon the informant, due to which, he received bullet injury on his thigh. It has further been alleged that all the miscreants looted



away ornaments worth Rs.10,00,000/- from the informant.

Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report and he has not committed any offense in the manner alleged. Learned counsel further submits that the name of the petitioner transpired on the basis of confessional statement made by co-accused Vijay Kumar Sahu and Abhishek Kumar Yadav which have been recorded in paragraphs 55 and 57 of the case diary. Learned counsel also submits that even if the confessional statement is taken on its face value, the petitioner was not present at the place of occurrence and it has only been alleged that the petitioner informed the other accused persons about movement of the informant. Learned counsel next submits that no incriminating article and/or looted property has been recovered from possession of the petitioner rather the same have been recovered from possession of other co-accused persons whose confessional statement were recorded by the Police. Learned counsel submits that co-accused Baiju Kumar Yadav who had allegedly fired the bullet upon the informant has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 9174 of 2021. Learned counsel also submits that another co-accused Shivchandra Yadav whose name also transpired on the



basis of confessional statement as liner has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 24303 of 2020. Learned counsel next submits that the petitioner is in custody since 31.3.2020 and at the time of occurrence, the petitioner was not having any criminal antecedent. However, he was made accused subsequently in Rajnagar P.S. Case No. 60 of 2020 and after that he has been made accused in two other cases in which he has already been granted bail.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused persons have been granted bail and no looted or incriminating material has been recovered from possession of the petitioner and the petitioner is in custody since 31.3.2020 as well as charge sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Madhubani, in connection with Rajnagar P.S. Case No. 58 of 2020 subject to the following conditions:-



(i) That the petitioner shall co-operate in the trial and shall be properly represented on each and every dated fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the court below.

(ii) That if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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