

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3154 of 2021

Arising Out of PS. Case No.-63 Year-2019 Thana- BITHAN BAZAR District- Samastipur

MD. RASID @ RAJA MOHAMMAD SON OF RAJJAK ALIAS MD.
RAJJAK Resident of Village - Belahi, P.S.- Bithan, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-10-2021 As prayed for, learned counsel for the petitioner is permitted to make correction in prayer portion of the bail petition within two weeks.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 394, 302 of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, on the alleged date and time of occurrence while the informant along with his companion, Abhimanyu Kumar Singh and Branch Manager, Ram Pravesh Singh, were returning from village Belahi after collecting money and when they reached near Barhi More four unknown criminals came on two motor cycles and fired upon them and one shot hit near waist of informant. Abhimanyu



Kumar fell down on the ground after sustaining fire arm injury on right side of his back and he was brought to hospital but doctor declared him dead. It is further alleged that the accused persons took away, Rs. 1,45 lacs cash and Samsung tablet of informant.

Learned counsel appearing for the petitioner submits that petitioner is not named in the FIR. The name of petitioner has surfaced in this case during the course of investigation in the confessional statement of co-accused, Golu Rai and Shamsher Mukhiya and only material that has come against this petitioner that he had given information about the informant and others of Finance Company, who were returning after collecting money. No incriminating article has been recovered from the possession of the petitioner and till date the petitioner has not been put on Test Identification Parade. It is stated in paragraph 3 of the bail petition that though petitioner is accused in three other criminal cases but he is on bail in all those cases. Petitioner is in custody since 22.09.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, 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 Sub divisional Judicial Magistrate, Rosera, Samastipur in connection with Bithan PS case No. 63/2019 on the following conditions:-

(1) 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.

(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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