

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7224 of 2021**

Arising Out of PS. Case No.-197 Year-2020 Thana- RAJGIR District- Nalanda

UDAY RAJVANSHI S/O SURAJ RAJVANSHI Resident Of Village/ Mohalla
- Markswadi Nagar, P.S. - Rajgir, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr.Krishna Deo Raj, Advocate
For the State	:	Mr.Arun Kumar Pandey, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 04-08-2021 Heard learned Senior Counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.

Petitioner, in the present case, is seeking regular bail
in connection with Rajgir P.S. Case No. 197 of 2020 registered
for the offences punishable under Section 147, 148, 149,
302/201 of the Indian Penal Code and Section 27 of the Arms
Act. He is in custody since 30.06.2020.

As per the prosecution story, on 13.06.2020 the
brothers of the informant had gone with Krishna Thethera from
his house and did not return. On 18.06.2020, hulla has been
raised by the villagers that smell of dead body is coming at the
Pyne of Matihani Jharath, thereafter the informant along with

villagers had gone at the place of occurrence and found the dead body of the brothers of the informant. The informant further alleged that 6-7 accused persons have killed their brothers and hide their dead body in the pyne of Matihani Jharath.

Learned Senior Counsel for the petitioner submits that the brothers of the informant went with Krishna Thathera on 13.06.2020, they did not return, still the F.I.R. was lodged after five days i.e. 18.06.2020 when the dead body of the brothers of the informant were found in the Pyne of Matihani Jharath.

Learned Senior Counsel further submits that after recovery of the dead body the name of this petitioner along with co-accused Santu Rajvanshi, Bipin Rajvanshi and Shankar Rajvanshi were brought in this case. One Lalu Kumar made statement after two days of the recovery of the dead body that while he was searching his Cow at about 11:00 P.M. on 13.06.2020 he had seen about 11 persons assaulting two other persons. This petitioner is one of them together with Santu Rajvanshi and others.

Learned Senior Counsel further submits that save and except suspicion there is no material against the petitioner and as it appears from the materials in course of investigation that witnesses have been planted at a much belated stage just to rope

in the petitioner in the present case. The co-accused similarly situated namely Santu Rajvanshi has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 12186/2021 and other two co-accused namely Bipin Rajvanshi and Shankar Rajvanshi have been allowed bail in Cr. Misc. No. 12751/2021.

It is further informed that this petitioner has got two criminal antecedents and he is on bail in both the cases.

On the other hand, learned counsel for the informant has opposed the prayer for bail of the petitioner. He has mainly pointed out the statements recorded on 20.06.2020 by some close relatives of the deceased who have stated that Krishna Thethera had allegedly brought the deceased to the house of this petitioner. On the query made by this Court as to whether or not the case of the petitioner is similarly situated with those co-accused who have been granted privilege of regular bail by learned coordinate Benches of this Court, learned counsel for the informant and learned A.P.P. for the State are unable to draw any line of distinction between these two set of petitioners.

Considering the facts and circumstances of the case, the delay in lodging of the First Information Report, the delay in disclosure of the name of the petitioner and the fact that the co-

accused similarly situated have been granted privilege of bail by the learned coordinate Benches of this Court, the petitioner has remained in jail for over one year, investigation against him is complete but the trial is not likely to take place in near future, this court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda in connection with Rajgir P.S. Case No. 197 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.