

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9399 of 2021

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

1. Bablu Rajvanshi, S/O Chhotelal Rajvanshi, R/O Village/Mohala-Markswadi Nagar, P.S-Rajgir, District-Nalanda.
2. Munna Rajvanshi, S/O Sanjay Rajvanshi, R/O Village/Mohala-Markswadi Nagar, P.S-Rajgir, District-Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Krishna Deo Raj, Advocate
For the S t a t e	:	Mr.Ram Naresh Ray, APP
For the Informant	:	Mr. Ashok Kumar, Advocate
		Mr. Sanjay Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-08-2021 The matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned counsel for the informant as well as the learned APP for the State.

The petitioners seek bail in connection with Rajgir P.S. Case No.197 of 2020 registered for the offence punishable under Sections 147, 148, 149, 302/201 of the Indian Penal Code



and Section 27 of the Arms Act.

It is submitted by the learned counsel for the petitioners that due to inadvertence, the date of custody of petitioner no.1-Bablu Rajvanshi could not be mentioned in paragraph 11 of the bail petition. Referring to the order dated 09.12.2020, whereby the 1st Additional Sessions Judge, Bihar Sharif has rejected the petitioner's bail application, he submits that the date of custody of petitioner no.1 is 30.06.2020.

The prosecution case is that 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 concealed their dead body in the *pyne* of Matihani Jharath.

Learned counsel for the petitioners 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 counsel further submits that after recovery of the dead body, the name of this petitioners along with co-accused Santu Rajvanshi, Bipin Rajvanshi and Shankar Rajvanshi was dragged in this case. One Lalu Kumar made statement after two days of the recovery of the dead body that while he was searching for his cow at about 11:00 P.M. on 13.06.2020 he had seen about 11 persons assaulting two other persons.

Learned counsel further submits that save and except suspicion, there is no material against the petitioners 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 petitioners in the present case. Similarly situated co-accused, namely, Uday Rajvanshi, has been allowed bail in Cr. Misc.No.7224 of 2021. Other co-accused, namely, Santu Rajvanshi has been granted bail in Cr. Misc. No.12186 of 2021 and other two co-accused, namely, Bipin Rajvanshi and Shankar Rajvanshi have been allowed bail in Cr. Misc. No. 12751 of 2021. Having no criminal antecedents, the petitioner nos.1 and 2 are in custody since 30.06.2020 and 19.06.2020, respectively.

On the other hand, learned counsel for the informant and the learned APP for the State have opposed the prayer for



bail of the petitioners. On the query made by this Court as to whether or not the case of the petitioners 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 rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel.

Let both the petitioners, above named, be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 conditions 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 antecedents of the petitioner and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take steps for cancellation of bail bonds of the petitioners. 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.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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