

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3560 of 2022

Arising Out of PS. Case No.-81 Year-2021 Thana- PATORI District- Samastipur

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Rakesh Rajak @ Rajesh Rajak @ Rakesh Kumar @ Saurav Kumar S/O-
Ramchandra Rajak Resident of Village- Khoksa, P.S.- Dalsingsarai, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Usha Kumari Singh,Adv

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State in virtual Court proceeding.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 341, 323, 325,
307, 458 and 302 of the Indian Penal Code.

The prosecution case, in short, is that on 19.03.2021
at about 12.00 at midnight, when the Informant was sleeping in
his room, he heard the sound of crying of his elder brother
Shashikant Sharma. When he came out of his room, the accused
persons started to assault him with danda, bamboo and utensils



but, anyhow, he entered into the room of his brother where he saw that unknown persons were sitting over his brother and trying to press his neck. When his brother tried to escape from there, the accused persons throw him from the roof to earth and fled away. On Hulla, the people came there and the S.H.O. and D.Y.S.P. were informed. On call, the Informant went to the Govt. Hospital where his brother was found dead.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that in fact the petitioner is the Staff of co-accused, namely, Mritunjay Kumar and there is admitted land dispute between the family members of Mritunjay Kumar and the informant and similarly situated co-accused, namely, Ajay Mahto @ Ajay Kumar & Anr have already been granted bail by this Court vide order dated 22.02.2022 passed in Cr. Misc. No. 36732 of 2021 another co-accused, namely, Mritunjay Mahto @ Mritunjay Kumar Mahto has been granted bail vide order dated 22-02-2022 in Cr. Misc. No.43851 of 2021 and Dhiraj Kumar @ Dhiraj Mahto has also been granted bail



vide order dated 22.02.2022 in Cr. Misc. No.44916 of 2021 by this Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Patori P.S. Case No.81 of 2021, with 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.

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)

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