

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5904 of 2022

Arising Out of PS. Case No.-122 Year-2020 Thana- ALOULI District- Khagaria

Md. Rasid @ Raja Mohammad Son Of Md. Rajjak Resident Of Village-
Balahi, P.S.- Bithan, Dist- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 307, 120B/34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, while the informant along
with his brother and others were returning after meeting, all the
five FIR named accused persons and three unknown persons
riding on three motorcycles surrounded the informant and on the
order of co-accused Vidyanand Yadav, all other accused persons
are alleged to have made indiscriminate firing as a result of
which brother of the informant sustained injuries and during the
course of treatment he died.

It is submitted by learned counsel for the petitioner that
petitioner is innocent and has been falsely implicated in this



case. He submits that the petitioner is not named in the FIR, but name of the petitioner came to light for the first time in the restatement of the informant which is recorded by the police in which the informant has named this petitioner. He submits that petitioner was not put on Test Identification Parade. He submits that similarly situated co-accused has already been granted bail by a Bench of this Court vide order dated 16.09.2021 in Cr. Misc. No. 35719 of 2021. He further submits that petitioner has seven criminal antecedent as stated in para-3 of this application and he is languishing in judicial custody since 08.07.2020.

Learned APP for the State and informant oppose the prayer for bail and submit that petitioner is the member of gang.

Considering the facts that similarly situated co-accused has already been granted bail, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Alauli P.S. Case No. 122 of 2020, subject to the conditions;

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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