

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7890 of 2022

Arising Out of PS. Case No.-85 Year-2018 Thana- INDUSTRIAL AREA District- Vaishali

Krishna Mohan Kumar @ Rudal Rai Son of Late Raj Kumar Ray Resident of
Mohalla - Anwarpur East, Police Station - Hajipur Town in the District of
Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 27-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Hajipur Industrial Area P.S. Case No. 85 of 2018 registered for
the offences under Sections 302, 120(B), 34 of the Indian Penal
Code and Section 27 of Arms Act.

As per allegation, four accused persons arrived at the
shop of deceased on two motorcycles and thereafter opened fire-
arms at the deceased who sustained fire-arm injury and then he
was rushed to the hospital, where he was declared dead.



The main submissions advanced by learned counsel Mr. Ranjeet Kumar appearing for the petitioner are that the investigation in respect of petitioner has been completed and against him the police have not found any incriminating evidence to show the petitioner's involvement in the alleged crime of murder and the police have made this petitioner accused in this case mainly on the basis of his criminal antecedent and during the course of investigation, a scientific investigation was also made on the basis of CCTV footage but even then the police have failed to find any concrete and cogent evidence against the petitioner. Further submission is that co-accused Shiv Kumar Singh, Raj Sagar @ Hani Singh and Anmol Kumar Singh have been considered for bail by different benches of this Court vide orders passed in Cr. Misc. No. 47292 of 2018, Cr. Misc. No. 56175 of 2018 and Cr. Misc. No. 985 of 2019 respectively.

Learned APP Mr. Navin Kumar Pandey appearing for the State has opposed the bail prayer.

I have heard both the sides and perused the FIR and case diary. The case diary goes to show that there was business rivalry between the deceased and some others and the informant mentioned in the FIR that the alleged incident was captured on



the CCTV camera but the case diary goes to show that the police have not found any cogent evidence as well as material to show the petitioner being involved in the alleged murder and even the investigation made on the basis of CCTV footage also does not reveal any cogent evidence against the petitioner and it appears that mainly on the basis of his criminal antecedent he has been made accused in this case and the investigation has been completed in respect of petitioner and as per FIR several persons had political rivalry from the deceased. Moreover, some co-accused persons named above carrying similar nature of allegation have been considered for regular bail vide orders passed by different benches in above-mentioned criminal miscellaneous cases and petitioner's case stands on same footing. Considering these facts as well as petitioner's custody period, in my view a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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 concerned Court in Connection with Hajipur Industrial Area P.S. Case No. 85 of 2018, 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



below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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