

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11810 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Raja Kumar, son of Vinod Chaurasiya @ Ram Vinod Chaurasiya, Resident of
Village- Bathua Bujurg, P.S.- Musarigharari, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 21-09-2022 Heard Mr. Bijay Bhushan Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Nitya Nand
Tiwary, learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Musrigharari P.S. Case No. 129 of 2021 for the offence
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The F.I.R. is against unknown. Petitioner has been
made accused in the present case on the basis of confessional
statement of one co-accused Harendra Kuma. Allegation against
the petitioner is of commission of murder of the husband of the



informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case due to enmity. The name of the petitioner has surfaced in the present case on the basis of confessional statement of one co-accused Harendra Kumar in police custody and in this regard he has made specific statement in Para-11 and 14 of the bail application. It is further submitted that in course of investigation the alleged mobile phone has been recovered from the possession of the petitioner and petitioner has denied the fact that he has used the aforesaid mobile number which stands in the name of co-accused Harendra Kumar. It is further submitted that said Harendra Kumar has already been released on bail by this Court vide order dated 06.09.2022 passed in Cr. Misc. No. 39103 of 2022 and other co-accused namely Ravi Kumar whose name has also surfaced in course of investigation on the basis of the confessional statement of co-accused Harendra Kumar, has already been released on bail by this Court vide order dated 22.08.2022 passed in Cr. Misc. No. 13936 of 2022.

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



Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to 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 Additional Chief Judicial Magistrate-I, Samastipur in connection with Musrigharari P.S. Case No. 129 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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