

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29483 of 2021

Arising Out of PS. Case No.-344 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

AJAY KUMAR RAI @ FULCHAN RAI @ FULCHUN RAI S/O SONELAL
RAI @ SONELAL RAY R/O VILLAGE-JITWARPUR TARA, P.S.-
SAMASTIPUR MUFFASIL, DISTRICT-SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vishwanath Prasad Singh, Sr.Adv.
	:	Mr. Mahendra Pratap, Adv.
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-02-2022 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 senior counsel for the petitioner and the

learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Muffasil

P.S. Case No. 344 of 2020 registered for the offence under

Sections 302, 201 and 34 of the Indian Penal Code and Section 27

of the Arms Act.

The petitioner along with his associates are said to

have killed the son of the informant and the dead body is said to

have been recovered from the bank of Gandak river.

Learned senior counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that although the petitioner has been named in the F.I.R., but no specific accusation of assault is attributed to him rather he has been made accused in the case merely on the basis of suspicion. There is no eye witness to the alleged occurrence. Save and except suspicion, no cogent material has come against the petitioner during course of investigation. He further submits that as a matter of fact, the deceased was a hard-core criminal and altogether seven criminal cases have been registered against the deceased. Moreover, the co-accused, Ravi Kumar Sharma @ Ravi Chandra Sharma has already been granted bail by a co-ordinate Bench of this Court vide order dated 15.04.2021 passed in Cr. Misc. No. 38044 of 2020 and the petitioner is rotting in judicial custody since 21.01.2021.

Learned A.P.P. for the State on the basis of case diary has, vehemently, opposed the prayer for bail of the petitioner and submits that two more cases other than the present one have been registered against the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned A.C.J.M.-II, Samastipur in connection with Muffasil P.S. Case No. 344 of 2020



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 canceled 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)

brajesh/-

U		T	
---	--	---	--

