

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19539 of 2022

Arising Out of PS. Case No.-157 Year-2017 Thana- BARGAINIA District- Sitamarhi

RAJU SINGH @ RAJU KUSHWAHA @ RAJU KUMAR Son of Late
Ashrafi Mahto Resident of Village - Kohbarwa, P.s.- Sonbarsa, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 307, 384, 120B and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

Prosecution in nutshell, is that two miscreants are said
to have fired upon the house of Sunny Kumar for want of
extortion.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case only on the basis of suspicion during course of
investigation. He further submits that according to the F.I.R. two
miscreants are said to have fired, but nobody has got any bullet
injury. He further submits that it is apparent from the F.I.R. that



the allegation of firing is leveled against the unknown persons and neither any cogent material has surfaced against the petitioner during course of investigation. He further submits that co-accused, namely, Wakil Miyan @ Wakil Nut has already been granted bail by a co-ordinate Bench of this Court vide order dated 10.02.2021 passed in Cr. Misc. No. 39108 of 2020 and co-accused, Chiranjeevi Sagar has already been granted bail by a co-ordinate Bench of this Court vide order dated 19.06.2020 passed in Cr. Misc. No. 77065 of 2019. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries sixteen more cases other than the present one.

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 Court below where the case is pending in connection with Bargainia P.S. Case No. 157 of 2017 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)

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