

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31577 of 2021

Arising Out of PS. Case No.-130 Year-2012 Thana- RUNISAIDPUR District- Sitamarhi

Nikesh Dubey @ Rajeshwar Kumar Raghuendra @ Avinash Dubey, Son of
Vijay Dubey @ Vijay Kumar Dwivedi, R/O Village- Madhopur Koerigawa,
P.S.- Chakiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

7 25-04-2022 The applicant/accused in Crime No. 130 of 2012
registered with Runnisaidpur Police Station for the offences
punishable under Section 302 r/w Section 34 of the Indian Penal
Code as well as Section 27 of the Arms Act, by this application
is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the
applicant/accused. He argued that merely on the basis of
apprehension, the applicant was arrested in the crime in
question and there is no evidence against the applicant.

The learned Additional Public Prosecutor on the
basis of counter affidavit argued that name of the applicant is
stated by witnesses Lalan Singh and Sanjay Kumar.

I have considered the submissions so advanced and



also perused the materials placed before me.

The first information report of the subject crime is lodged by Deepak Kuamr Authorized Representative of North Bihar Highway Ltd. It is alleged therein that their side Supervisor Mr. Sanjay Kumar was done to death by four man who came on the site on two motorcycles. The murder was due to firing bullets on Mr. Sanjay Kumar. It is further averred in the FIR that pamphlets were also thrown on the site.

Perusal of the statement of Lalan Singh and Sanjay Kumar shows that they are not an eye witnesses to the incident in question. They are naming few assailants on the basis of information received by them. The case diary is not reflecting the source of this information.

Considering the nature of evidence against the present applicant despite the fact that he is having criminal antecedent, his further pretrial detention is not warranted. Therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 130 of 2012 registered with Runnisaipur Police Station be released on bail on executing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand) on furnishing surety of the like amount to the



satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(V) The applicant should attend the Jurisdictional Police Station on every first Sunday of the month in between 11 A.M. to 1 P.M. till disposal of the trial against him.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the



appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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