

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22409 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Rajkumar Singh @ Raj Kumar Son of Rajiv Singh Resident of Village - Sadai
Bigha, P.s.- Birupur, and Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P. N. Sahi, Sr. Advocate.

For the Opposite Party/s : Mr. Choubey Jawahar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 28-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. P. N. Sahi, learned senior counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Lakhisarai P. S. Case No. 03 of 2022 registered for the offences punishable under Sections 302 and 120(B) read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 02.01.2022 while the informant was returning from her home



along with one Bihari Singh after purchasing vegetables all the F.I.R. named accused persons along with some unknown persons shot dead her son, namely, Prasunn Kumar and one Bihari Singh by causing firearm injury. It is further alleged that on hearing the sound of firing the informant and her daughter-in-law came out from the house and they saw that all the F.I.R. named accused persons were firing upon her son and Bihari Singh.

Learned senior counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the F.I.R., however, during the course of investigation, his name has surfaced on the basis of confessional statement of one co-accused Homi Kumar @ Munna, who was also not named in the F.I.R. It is further submitted that in course of investigation, it has come that prior to the occurrence, the petitioner had talked to one of the co-accused persons Sudhir Kumar @ Sudhir Singh and save and except the aforesaid allegation, there is no other material, which suggests the complicity of the petitioner in the present case. It is next submitted that from the F.I.R., it appears that the informant and her daughter-in-law were the eye witness of the alleged occurrence but the petitioner has not put on Test Identification Parade and moreover, he is in custody since



07.01.2022. It is lastly submitted that even if the confessional statement of co-accused persons is taken to be true, there is no allegation against this petitioner of firing upon the deceased, apart from that the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation, the petitioner is found to be one of the conspirators and he along with others committed the murder of two persons.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is not named in the F.I.R. and moreover, the eye witnesses to the alleged occurrence did not identify the petitioner as one of the assailant and he is in custody since 07.01.2022, having a man of fair antecedent, apart from that the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P. S. Case No. 03 of 2022, subject to the condition



that one of the bailors will be the close relative of the petitioner
with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

shakir/-

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

