

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40572 of 2021**

Arising Out of PS. Case No.-6 Year-2019 Thana- MAHINDWARA District- Sitamarhi

SAROJ RAI S/O BALESHWAR PRASAD YADAV @ BALESHWAR RAI
R/O VILLAGE-BATRAULI, P.S. MAHINDWARA, DISTRICT
SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

5 21-03-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered under sections 302, 34, 120B and 216 of the Indian Penal Code and section 27 of the Arms Act.

At the outset it is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was dismissed as withdrawn vide order dated 17.2.2021 (Annexure-1).

As per the prosecution case it is stated that information was received by the informant, a police personnel about five accused persons having shot dead one person. It is stated that on reaching the place of occurrence various cartridges/ammunition etc were recovered as detailed in the FIR



and a parcha bearing the name of the petitioner showing him to be a member of the Bihar Socialist Republican Army was found wherein it was written that the work of road construction should not be proceeded with. The name of co-accused Rakesh Rai has also transpired.

It is submitted by learned counsel for the petitioner that from perusal of the FIR it would transpire that there is no eye- witness to the actual occurrence nor the petitioner has been named as the assailant or participant in the alleged crime. Further, referring to the material that has transpired in course of investigation, it is submitted that mainly reliance has been placed on the secret information received by the police about the involvement of the accused persons including the petitioner herein in course of investigation. The petitioner is in custody since dated 18.1.2019 and a number of co-accused have been enlarged on bail. The investigation in the case is complete and there is no chance of the trial concluding in the near future. It is submitted that the main cause of the false implication of the petitioner is his antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that



has transpired in course of investigation together with the petitioner having remained in custody for more than two years, the Court directs the petitioner to be enlarged on bail in connection with Mahindwara P.S. Case no. 6 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IV, Sitamarhi.

(Partha Sarthy, J)

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