

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43853 of 2021

Arising Out of PS. Case No.-31 Year-2018 Thana- RAJPUR District- Buxar

MUNNA RAJBHAR @ RADHE SHYAM RAI Son of Garajan Rajbhar @
Garjan Rai Resident of Village- Palanpur, P.S.- Gahmar, District- Ghazipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul
		Mr. Anuj Kumar
For the Opposite Party/s	:	Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-04-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Rajpur Police Station Case No. 31 of 2018, registered for the
offence punishable under Sections 341/302/504/120-B/34 of the
Indian Penal Code.

The prosecution case, as per the First Information
Report, is that co-accused Munna Rajbhar, son of Kharpatu
Rajbhar, has shot the father of the informant dead.

Learned Counsel for the petitioner submits that
though the name of the petitioner is Munna Rajbhar, he is not
the main assailant inasmuch as from perusal of the accused
column of the First Information Report, it would be evident that



the main assailant is accused no. 1, Munna Rajbhar, son of Kharpatu Rajbhar, and the name of the petitioner figures as accused no. 3 in the said column, as Munna Rajbhar, son of not known to the informant, resident of village Pallampur, Police Station Gamhar, in the district of Gajipur. He further submits that as per the allegation made in the First Information Report, the petitioner was one of the members of the unlawful assembly and other similarly situated co-accused persons, namely, Daroga Ray and Ram Niwas Rajbhar, have been granted bail by co-ordinate Bench of this Court, vide orders passed in Criminal Misc. Nos. 29785 and 28651 of 2018. He further submits that the petitioner did not receive summons issued by the learned Court below since he is resident of a different State and as such, he was not absconding intentionally and undertakes to participate and co-operate in the trial. He further submits that the petitioner is in custody since 19.05.2021.

Regards being had to the submission advanced on behalf of the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted bail by this Court, the petitioner is not the main assailant, and he is in custody since 19.05.2021, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Chief Judicial Magistrate, Buxar, in connection with Rajpur Police Station Case No. 31 of 2018.

This is subject to the condition that the petitioner will co-operate in the trial and shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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