

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48294 of 2021**

Arising Out of PS. Case No.-259 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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Rajkumar @ Raju Son Of Late Gauri Shankar Prasad Resident Of Village -
Miscott, P.S.- Motihari Town, Distt.- East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-01-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with S. Tr.
No.144 of 2021 arising out of Motihari Town P. S. Case No.259
of 2019, instituted for the offences under Sections 147, 148,
149, 323, 324, 326, 307, 302 and 506 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 02.07.2019, he is a person with
clean antecedent, charge-sheet has been submitted in the case
and charges have been framed.

The learned counsel for the petitioner submits that
though charges have been framed, but the trial has not
commenced.



The learned counsel further submits that the prosecution case as per written report of Sanjay Kumar submitted before the S.H.O., Motihari Town P.S. to the effect that on 22.04.2019 at about 9.00 P.M., the informant along with his family members were in his house, in the meantime, the cousin brother of the informant Ramji Kunwar @ Raj Kumar @ Gappu came and knocked the door of the informant and when the informant opened the door, he found all the seven accused persons including the petitioner along with 3-4 unknown at the door and they all were armed with knife and iron rod. It is alleged that on the order of petitioner, co-accused Ramji Kunwar, Sagar Kumar, Sushila Devi started assaulting with knife to the informant which caused injury on the head and when the brother of the informant, Ajay Kumar, Nirmala Devi, Vijay Kumar came to his rescue, then all the accused persons assaulted them with knife and iron rod and on account of receiving knife injury, Ajay Kumar died on the spot whereas Vijay Kumar and Nirmala Devi received severe injury. On alarm being raised, the nearby neighbours came and subsequently, the injured were taken to Rahmania Hospital.

It is submitted by the learned counsel for the petitioner that from perusal of the allegation as alleged in the



F.I.R., it would manifest that the petitioner is alleged to be the order giver and on his order, the accused assaulted the informant with knife, but the injury report of the deceased Ajay Kumar reflects that he has received two penetrating wound caused by knife where the injury report of Vijay Kumar suggest that he also received three stabbed injury while Nirmala Devi received one swelling injury. Further the accusation is general and omnibus in nature.

The learned counsel for the petitioner further submits that co-accused Md. Salim has been granted bail by order dated 24.08.2020 in Cr. Misc. No.22254 of 2020 along with the other co-accused as annexed in Annexure-4 series to the bail application.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody since 02.07.2019, he is a person with clean antecedent, charge-sheet has been submitted in the case, the trial has not commenced and co-accused have been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Sri Manoj Kumar Singh, learned Judicial Magistrate, 1st Class Sadar, East Champaran at Motihari in connection with S.Tr. No.144 of 2021 arising out of Motihari Town P. S. Case No.259 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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