

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51872 of 2021

Arising Out of PS. Case No.-130 Year-2021 Thana- ALOULI District- Khagaria

Ajay Kumar Son of Anandi Sahu Resident of Village- Jogiya, P.S.- Alauli,
District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, on 09.04.2021 informant (Chowkidar) got information that Raj Kishor Sahu was shot dead by Ajay Kumar (younger brother of Raj Kishor Sahu) and his wife (Nirmala Devi). Thereafter he informed the police, leading to registration of present F.I.R.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that there is no eye witness of the occurrence and the petitioner has been made accused only on the basis of disclosure made by the Chowkidar. He further submits that in fact the petitioner is the own brother of the deceased. He further submits that during investigation nothing has come against the petitioner except the suspicion. He further submits that similarly situated, co-accused, namely, Nirmala Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 23.11.2021 passed in Cr. Misc. No. 48252 of 2021. The petitioner is in custody since 10.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Alauli P.S. Case No. 130 of 2021, G.R. No. 1187 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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