

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41592 of 2022

Arising Out of PS. Case No.-186 Year-2020 Thana- SAKRA District- Muzaffarpur

RISHU KUMAR S/o Dashai Ray R/o village- Raghunathpur Donwan, P.S.-
Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sakra P.S.
Case No. 186/2020 registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 307, 302 of the Indian Penal
Code.

As per prosecution case, the petitioner and others are
alleged to have committed murder of brother-in-law of the
informant's brother on account of dispute of road-rage.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 20.05.2022



and bears no criminal antecedent. There is no specific allegation against the petitioner. There is general and omnibus allegation in nature. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that on similar identical allegation co-accused, Surendra Rai, Rupesh Kumar, Raju Rai and Devendra Ray have already been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. Nos. 72345/2021, 14902/2021, 32893/2020 and 14092/2021 respectively which are at Annexure-2 series of the bail application and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, on similar allegation co-accused have already been granted bail, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-12th, Muzaffarpur in connection with



Sakra P.S. Case No. 186/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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