

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53269 of 2021

Arising Out of PS. Case No.-175 Year-2019 Thana- PURAINI District- Madhepura

Bikash Rajak @ Vikash Rajak, Son of Banarshi Rajak, R/O Village- Dighaon,
P.S.- Beldaur, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

5 03-08-2022 The applicant/accused in Crime No. 175 of 2019 registered with Puraini Police Station for the offences punishable under Sections 302 and 120(B) r/w Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act, by this second bail application is seeking his release on bail during pendency of the trial.

His earlier bail application was rejected vide order dated 23.11.2020 passed in Criminal Misc. No. 5762 of 2020 by my learned Predecessor with an observation that there are certain circumstances to connect the application to the crime in question and the learned trial court was directed to decide the trial within a period of nine months from the date of receipt/production of a copy of this order. This order was passed on 23.11.2020. The learned counsel for the applicant



submits that there is no substantial process in the trial.

Heard both sides.

It is argued by the learned counsel for the applicant that there is no evidence to connect the applicant to the crime in question. He is merely roped in the crime on the basis of suspicion.

The learned Additional Public Prosecutor opposed the application by contending that Babita Devi who happens to be wife of the deceased Sanoj Thakur has expressed apprehension on the applicant regarding murder of her husband and there is statement of one witness named Harish Jha.

I have considered the submissions so advanced and also perused the material placed before me.

It is case of prosecution that deceased Sanoj Thakur was having love relations with wife of present applicant. The present applicant on coming to know about this affair had started ill treating his wife Rani Devi. Ultimately Rani Devi joined company of deceased Sanoj Thakur. Feeling aggrieved by this act on the part of his wife, the applicant along with others have killed Sanoj Thakur by firing a bullet at him on 06.10.2019.



The evidence which is pointed out for connecting the applicant to the crime in question is statement of first wife of the deceased Sanoj Thakur namely Babita Devi. She has expressed apprehension that the applicant might have killed her husband because of love affair. Harish Jha, the witness who is pointed out by the learned Additional Public Prosecutor has stated that three persons out of which one was women riding on the motorcycle had fired bullets causing death of one person. Except this no other evidence is pointed out by the prosecution.

Considering the nature of the evidence available against the applicant/accused, further pretrial detention of the applicant is not warranted and therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 175 of 2019 registered with Puraini Police Station be released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from



disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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