

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60501 of 2021**

Arising Out of PS. Case No.-307 Year-2016 Thana- BEGUSARAI TOWN District- Begusarai

RAJNISH KUMAR @ RAJNISH JHA Son of Arvind Jha Resident of Village
- Etba Kumri, P.S.- Begusarai Town, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Atul Chandra

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 11-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

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 connection with Begusarai
Town P.S. Case No. 307/ 2016 registered for the offences
punishable under Sections 302, 120(B)/34 of the IPC.

As per prosecution case, on 27/28.06.2016 the
brother, bhabhi and nephew of the informant was murdered in
sleeping condition.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has come only on the basis of suspicion after the lapse of five years on the ground that petitioner was driver of co-accused Raju Jha. He further submits that co-accused Raju Jha has been granted bail by a co-ordinate Bench of this court vide order dated 17.02.2018 passed in Cr. Misc. No. 9481 of 2018. He further submits that other co-accused have been granted bail by different Benches of this Court vide Cr. Misc. No. 45629 of 2016 and Cr. Misc. No. 50943 of 2016. Petitioner is in custody since 14.08.2021.

The learned Additional Public Prosecutor opposed the prayer of 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 Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 307/ 2016, 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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