

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3123 of 2023

Arising Out of PS. Case No.-608 Year-2021 Thana- BIHTA District- Patna

RAUSHAN RAJAK @ RAUSHAN KUMAR S/o Indrajit Rajak @ Indal
Rajak R/v- Rajpur, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate
For the Informant	:	Mr. Karmbir Kumar, Advocate
For the Opposite Party/s	:	Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
27.08.2021 in connection with Sessions Trial No. 799 of 2021,
arising out of Bihta P.S. Case No. 608 of 2021, F.I.R. dated
21.08.2021 for the offences punishable under Sections 302, 201
of the Indian Penal Code.

According to prosecution case, in brief, is that on the
basis of written complaint of the informant namely Sunil Kumar
alleging therein that his father used to do framing. On
20.08.2021 at 08.00 P.M. his father was sitting near Bihta-Laye
Road Hanuman Mandir Rajpur. Then Raushan Rajak of his own



village reached at his father and for sitting at the temple, he quarreled with his father. Then the people around intervened and removed both of them. After sometime when his father was sitting there Raushan Kumar Rajak came and attacked his father with brick stone and pointed weapon. The petitioner brutally injured the head of the informant's father and also assaulted on the other part of the body causing the death of his father and fled away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the informant is not the eye witness of the alleged occurrence and only on the basis of suspicion the petitioner has falsely been implicated in the present case. She further submits that during investigation no one has support the prosecution version and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 27.08.2021.

Vide order dated 21.04.2023 a report was called for with regard to the present stage of trial. Report dated 29.04.2023 of the learned trial court that the charge has been framed against



the petitioner on 30.06.2022 and till date prosecution has not examined any witnesses and the case is pending for the prosecution evidence.

Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial is not concluded in near future and the petitioner is in custody since 27.08.2021.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

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 Additional Sessions Judge-V, Danapur, Patna in connection with Sessions Trial No. 799 of 2021, arising out of Bihta P.S. Case No. 608 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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