

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25638 of 2023

Arising Out of PS. Case No.-41 Year-2017 Thana- RAJGIR District- Nalanda

Sharwan Rajvanshi, Son of Late shyam Rajvanshi, R/V- Virayatan Side, PS-
Rajgir Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Rajgir P.S. Case No. 41 of 2017 registered for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the brother of the informant went in the forest to collect firewood and later on his dead body was recovered. The informant alleged that the petitioner and other co-accused persons entered into some altercation with his brother and thereafter sound of firing was heard.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. The petitioner has been named in this case merely on suspicion. There is no eye-witness to the alleged occurrence. No material has come up on record during investigation showing the involvement of the petitioner in the alleged occurrence. Three co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 12.03.2019 passed in Cr. Misc. No. 8946 of 2019, order dated 14.03.2019 passed in Cr. Misc. No. 15766 of 2019 and order dated 09.08.2019 passed in Cr. Misc. No. 20298 of 2019. The case of the petitioner is similarly placed. Petitioner is in custody since 21.02.2022 and charge-sheet has been submitted. The petitioner is having criminal antecedents of two cases but he is on bail in both cases.

5. Lerner APP opposes the prayer for bail submitting that the petitioner and other co-accused persons are involved in the murder of the brother of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner along with submission of charge-sheet and also considering the grant of bail to similarly placed co-accused



persons, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sadar Bihar Sharif, Nalanda/concerned court in connection with Rajgir P.S. Case No. 41 of 2017, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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