

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27243 of 2023**

Arising Out of PS. Case No.-300 Year-2022 Thana- BALIYA District- Begusarai

RAJESH KUMAR ROUSHAN @ MANISH KUMAR @ MANISH Son of
Lalo Yadav @ Lalo Yadav @ Ram Bilas Yadav Resident of village - Tulsi Tol,
P.S. - Ballia, Distt. - Begusarai (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with Baliya P.S.
Case No. 300 of 2022 dated 28.10.2022 registered for the
offence punishable under Sections 307, 324, 353 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on 27.10.2022 at about
05:30 pm, the informant was standing on Tulsi Bandh and one
Dilkush Kumar was going to his home. At some distance, police
was taking away two theft motorcycles and in the meantime,
some unknown miscreants started firing on the police which hit
to the informant and Dilkush Kumar. Thereafter, the informant
lodged F.I.R. against unknown persons.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is submitted that petitioner is not named in the F.I.R.



and the name of the petitioner has been transpired in this case only on the basis of suspicion and information received from police spy. The petitioner has no concern with alleged occurrence. It is also submitted that one of the co-accused, namely, Kailu Yadav has been granted bail *vide* Criminal Miscellaneous No. 27200 by this Court on 25.05.2023. Lastly, it has been submitted that the petitioner is in custody since 21.11.2022, having two cases of Excise Act and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai in connection with Baliya P.S. Case No. 300 of 2022, 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall



be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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