

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31210 of 2023

Arising Out of PS. Case No.-505 Year-2022 Thana- MINAPUR District- Muzaffarpur

Ajeet Rai, S/o Radha Mohan Rai, Resident of Village- Bankul, P.S.- Minapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Alok Kumar Alok, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

Application for grant of bail to the petitioner, who is
in custody in connection with Minapur P.S. Case No. 505 of
2022 registered for the offence punishable under Sections 147,
148, 149, 341, 323, 302 and 506 of the Indian Penal Code.

Allegedly, while the husband of the informant was
sleeping in his house, in the meantime, altogether 6-7
miscreants barged into the house of the informant and started
assaulting her husband by means of sharp edged weapon
resulting into his death. The informant, who is claiming herself
to be an eyewitness to the occurrence have taken name of seven
accused persons, who were involved in commission of the



crime. The informant also alleged that some unknown persons were also present.

Learned counsel appearing on behalf of the petitioner submits that the from the FIR it is evident that the petitioner is not named in the FIR, however, during the course of investigation some of the villagers, whose statements have been recorded in paragraph nos. 58, 63, 64, 66 and 67 of the case diary, they have disclosed only with regard to the presence of the petitioner near the place of the occurrence, save and except the aforesaid material, there is nothing on record suggesting the complicity of the petitioner in the present crime. He next submitted that the investigation of the crime is already complete and barring suspicion, there is nothing on record. He lastly submits that the petitioner is a man of fair antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the presence of the petitioner near the place of occurrence suggests the involvement of the petitioner in the crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is neither named in the FIR nor any cogent material has come during the course of investigation, save and except his presence



that too near the place of occurrence only, coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Minapur P.S. Case No. 505 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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