

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38917 of 2023

Arising Out of PS. Case No.-612 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

RAKESH RAI Son of Jata Shankar Rai @ Jata Shankar Prasad Yadav
Resident of village - Batrauli, P.S. - Mahindwara (Erstwhile P.S.-
Runnisaidpur), District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Runnisaidpur P.S. Case No. 612 of 2018 registered for the
offence under Sections 302/34 of the Indian Penal Code.

3. The accused/petitioner is not named in the
F.I.R. and is in custody since 18.01.2023.

4. The allegation against the petitioner is to
commit murder of the uncle of the informant, who is also uncle
of this petitioner, along with other named co-accused persons,
by causing firearms injury, where, reason of occurrence is not
explained through present FIR.

5. Learned counsel appearing on behalf of the



petitioner submitted that the informant, who is claiming to be an eye-witness of present occurrence, named specifically 06 persons without this petitioner. It is submitted that specific allegation, as regard to cause fatal firearm injury is available against other co-accused persons, namely, Birendra Ray and Jaikumar Singh, as per version of the informant, who is the eye-witness of present occurrence. It is submitted that name of this petitioner surfaced, during course of investigation, on the basis of confessional statement of other co-accused person, namely, Saroj Rai, who has already granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 15848 of 2023 dated 22.05.2023 and moreover, in furtherance thereof, no incriminating material surfaced/recovered against this petitioner, as to connect him, *prima facie*, with present occurrence of murder. It is submitted that reason of implication of this petitioner is also suspicion arises out of his criminal antecedents, as he found involved in 14 more criminal cases, where, he is on bail in most of the cases, having otherwise no bearing over the merit of case. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already is submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as informant, who is claiming to be an eye-witness of this occurrence, failed to named this petitioner, where, implication appears, during course of investigation, on the basis of confessional statement of co-accused, leading no incriminating recovery coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 18.01.2023, let the petitioner, above named, is directed to be released on bail in connection with Runnisaidpur P.S. Case No. 612 of 2018, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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