

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34907 of 2023

Arising Out of PS. Case No.-328 Year-2022 Thana- CHENARI District- Rohtas

RAKESH RAY Son of Dineshwar Ray Resident of Village - Sabarabad, P.S.-
Chenari, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Chenari P.S. Case No.328 of 2022 instituted under Sections 302,120(B),34 of the Indian Penal Code lodged on 02.11.2022 by the informant Munshi Singh.

As per the FIR, on 02.11.2022 informant's son Sikandar Singh was going with Golu Yadav in an Auto. The driver of the said Auto, Bhulan Yadav came with Sikandar Singh in injured condition at about 06.00 P.M. and informed that the miscreants committed the occurrence and fled away from the place of occurrence. Further, informant and injured Sikandar Singh were taken to the clinic of Dr. Chitranjan Singh, Sasaram where injured Sikandar Singh was declared dead. Further, allegation is that the wife of deceased namely Manju Devi has



illicit relation with one Ashok Kumar and Ashok Singh, Ajay Singh and Pankaj Singh were regularly used to come to the house of deceased Sikandar Singh lending to hot exchanges between Sikandar Singh and Ashok Singh. Informant has strong suspicion that Golu Yadav, Bhulan Yadav, Pankaj Singh, Ashok Singh Ajay Singh along with other unknown persons have played role in murder of Sikandar Singh. Accordingly, the FIR.

Learned counsel for the petitioner submits that only on the basis of suspicion the petitioner has been implicated in this case. He was not been named in the FIR and during investigation he was found to be part of unlawful assembly though no role has been attributed to him. Further submission is that two of the similar placed co-accused Bhulan Yadav @ Mithilesh Yadav, Pankaj Kumar @Pankaj Singh have since been released on bail vide Cr. Misc. No.11890 of 2023 dated 20.06.2023, Cr. Misc. No.14744 of 2023 dated 20.06.2023 respectively.

Learned APP opposes the prayer stating that he has been found to be part of the unlawful assembly as has come in the order sheet of the learned Sessions Judge.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that some of the co-



accused have since been released on bail, as stated above, and the petitioner is custody since 05.11.2022 (as stated in paragraph-18 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chenari P.S. Case No.328 of 2022 to the satisfaction of learned ACJM,IIIrd, Sasaram, Rohtas, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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