

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34881 of 2023

Arising Out of PS. Case No.-610 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

Raghav Roy, male, aged about 27 years, son of Late Shiv Narayan Roy @ late Shiv Narayan Rai, resident of village- Sahoparri, P.S.- Biraul, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Laheriasarai PS Case No.610 of 2018 dated 20.12.2018, instituted for the offence punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act in which later on Section 302 of the Indian Penal Code was added.

3. The allegation against the petitioner is that he along with Vikash Kumar Jha and Roushan Jha and 15 others persons came to the house of the informant and enquired from his mother about Rohit and threatened her that they will kill him. Later on, the informant got information that his brother, Rohit Kumar Jha, has sustained firearm injury in his abdomen caused



by Vikash Kumar Jha. His brother subsequently died during the course of treatment.

4. Learned counsel for the petitioner submits that allegation against the petitioner is general and omnibus and specific allegation is levelled against Vikash Kumar Jha. Learned counsel further submits that three persons have been named in the FIR along with others. Co-accused, Raushan Jha @ Raushan Kumar Jha has been granted bail by a co-ordinate Bench of this Court by order dated 30.05.2019 passed in Cr. Misc. No. 21998 of 2019. It is submitted there is no eye witness to the occurrence and no motive/intention has been given in the entire prosecution story. The petitioner is in custody since 12.04.2023 and charge-sheet has been submitted. Five criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

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 Chief Judicial Magistrate, Darbhanga, in Laheriasarai (Benta OP) PS Case No.610 of 2018, subject to the conditions (i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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, and (iv) that 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)

J. Alam/-

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