

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37573 of 2023

Arising Out of PS. Case No.-64 Year-2022 Thana- MEHANDIGANJ District- Patna

RAJA KUMAR @ RAJA RYDER Son of Vinod Prasad Resident of Bhaisani
Tola, P.S. - Malsalami, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.02.2023 in connection with Mehandiganj P.S. Case No. 64 of
2022, F.I.R. dated 17.04.2022 for the offences punishable under
Sections 302, 120(B), 506/34 of the Indian Penal Code and
Section 27 of the Arms Act.

According to prosecution case, the petitioner is alleged
to have opened fired in the sky in order to create panic situation
so as to provide help to his companion who allegedly fired upon
the deceased, who died on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
that the specific allegation of firing attributed against the co-



accused persons namely, Mukesh Kumar, Suraj Kumar and Ranjan Kumar upon the deceased and the deceased has died on the spot and the petitioner has not inflicted any gun shot injury to the deceased nor any allegation of firing is attributed against the petitioner and at best can be the petitioner is the member of unlawful assembly. He further submits that similarly situated, co-accused, namely, Rajan Kumar @ Bantul Sharma @ Bantul has been granted bail by this Court vide order dated 26.04.2023 passed in Cr. Misc. No. 4071 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.02.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which petitioner is on bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Patna City in connection with Mehandiganj P.S. Case No. 64 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 shall remain physically present as directed 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. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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