

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44616 of 2022

Arising Out of PS. Case No.-254 Year-2017 Thana- BAKHTIYARPUR District- Patna

RAUKI KUMAR Son of Dilip Singh @ Ken Singh Resident of Village -
Sangatpar, P.S.- Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Bakhtiyarpur P.S. Case No.254 of 2017, registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that enmity was existing in between the father of the informant and the co-accused Chintu Kumar, both of whom had contested the municipal election from ward no.10 of the concerned village, however, both of them had stood defeated. It is further alleged that



while the father of the informant had gone to the market to collect money on 06.07.2017, at about 9 pm, the c-accused person, namely, Chintu Kumar along with hired miscreants had killed the father of the informant by shooting him.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 27.08.2021. Learned counsel for the petitioner has further submitted that the petitioner is an accused in eight other cases, but he is on bail in the said eight cases. Learned counsel for the petitioner has also submitted that the name of the petitioner has transpired in the present case upon the confessional statement made by the co-accused person, namely, Govinda @ Goga, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 06.04.2022 passed in Cr. Misc. No.71806 of 2021. It is also submitted that other similarly situated co-accused persons have also been



granted bail by co-ordinate Benches of this Court.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by co-ordinate Benches of this Court apart from the fact that the petitioner is not named in the FIR, although I deem it fit and proper to admit the petitioner to the privilege of bail, but subject to certain conditions, on account of his bad antecedent.

Accordingly, the above named petitioner is directed to be enlarged 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 ACJM-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No.254 of 2017.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10:00 am. on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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