

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52341 of 2023

Arising Out of PS. Case No.-344 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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LAXMAN RAI @ LAKSHMAN YADAV SON OF LATE SHIV NATH RAI
RESIDENT OF VILLAGE JITWARPUR CHOUTH FARPURA PS
SAMASTIPUR MIFFASIL DISTRICT SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Samastipur Muffasil P.S. Case No. 344 of 2020 registered under Sections 201 and 302/34 of the Indian Penal Code and section 27 of the Arms Act lodged on 22.08.2020 by the informant, Ram Viriksha Rai.

As per the prosecution story, on 16.08.2020 while the informant was returning home, named accused persons took them near the Gandak River and killed. Upon knowledge, the informant came to the said place, saw the dead body and informed the police. This followed the First Information Report against the unknown accused persons.



As per the petitioner, the informant is not the eye witness of the occurrence rather hearsay. One of the similar placed co-accused, Ajay Kumar Rai @ Fulchan Rai @ Fulchun Rai has since been granted bail vide order dated in Cr. Misc. No. 29483 of 2021 vide order dated 11.02.2022. Last submission is that he is in custody since 12.04.2023 (as stated in paragraph -9 of the petition).

Learned APP for the State opposes the prayer for bail stating that he has criminal antecedent.

Taking into account the aforesaid facts, the informant is not the eye witness to the occurrence and similar placed co-accused Ajay Kumar Rai @ Fulchan Rai @ Fulchun Rai has since been extended the privilege of bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-IIInd , Samastipur in connection with Samastipur Muffasil P.S. Case No. 344 of 2020, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year 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 his 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)

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