

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53747 of 2023

Arising Out of PS. Case No.-186 Year-2020 Thana- SAKRA District- Muzaffarpur

BRAJESH KUMAR Son of Binod Rai @ Vinod Ray Resident of Village-
Raghunathpur Donwan, Police Station-Sakra, District-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 19.04.2023, in connection with Sakra P.S. Case No. 186 of 2020, F.I.R. dated 20.05.2020 registered for the offences punishable under Sections 147, 148, 149, 323, 341, 307, 302 of the Indian Penal Code.

3. According to the prosecution case, petitioner and others are alleged to have committed murder of the brother-in-law of the informant's brother on account of dispute of road-rage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation is attributed against the petitioner rather there is general and omnibus



allegation against all the accused persons including the petitioner. He further submits that similarly situated co-accused person namely Rupesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 14.09.2021 passed in Cr. Misc. No. 14902 of 2021, another co-accused person namely Surendra Rai has been granted bail by a Coordinate Bench of this Court vide order dated 24.08.2022 passed in Cr. Misc. No. 72345 of 2021, another co-accused persons namely Rishu Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 16.11.2022 passed in Cr. Misc. No. 41592 of 2022, another co-accused person namely Ganesh Rai has been granted bail by this Court vide order dated 10.08.2023 passed in Cr. Misc. No. 50537 of 2023 respectively. He further submits that several co-accused persons have been granted anticipatory or regular bail by a different Benches of this Hon'ble Court and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.04.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additiional Chief Judicial Magistrate-XII, Muzaffarpur (East) in connection with Sakra P.S. Case No. 186 of 2020, 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 witness, 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 antecedents, 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.

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(Rajesh Kumar Verma, J)

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