

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56038 of 2023

Arising Out of PS. Case No.-1342 Year-2022 Thana- KHAGARIA District- Khagaria

RAJESH KUMAR SON OF KAILASH SAH RESIDENT OF VILLAGE-
RAJAJAN, PS- MANSI, DISTRICT -KHAGARIA AT PRESENT
MALGODOWN ROAD, WARD NO. 2 PS AND DISTT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is in judicial custody in connection
with Khagaria P.S. Case No. 1342 of 2022 registered under
Sections 302/34 of the Indian Penal Code lodged on
22.12.2022 by the informant, Gaytri Devi.

As per the prosecution story, the informant has
alleged she got information about the killing of her son and
daughter-in-law residing at Malgodam Road, Khagaria went
there and saw the dead body with injuries. Accordingly, the
FIR.

Learned counsel for the petitioner submits that
during investigation, the name of the accused persons came,



the petitioner included. Though, no one has seen the occurrence, only on surmises and conjectures their involvement have been shown. Further submission is that his name has come in the confessional statement of Devmani Ray. Thereafter, he is in custody since 10.01.2023 (as stated in paragraph-1 of the petition). It is his further submission that host of other co-accused persons, namely, Abhishek Kumar, Ved Prakash @ Banti and Raj Kumar Prasad @ Takla have since been granted bail vide order dated 14.07.2023 and 31.07.2023 passed in Cr. Misc. No. 41726/2023, Cr. Misc. No. 41507/203 and Cr. Misc. 34990 of 2023 respectively as stated in paragraph-16 of the petition.

Learned APP opposes the prayer for bail stating that his name has come in the confessional statement of co-accused Devmani Ray

Taking into account the fact that the FIR has been lodged against unknown persons, the name of the petitioner has come in the confessional statement of Devmani Ray, similarly placed co-accused persons have been extended the privilege of bail, he do not have criminal antecedent and is



in custody since 10.01.2023, 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 Additional Chief Judicial Magistrate, IVth, Khagaria in connection with Khagaria P.S. Case NO. 1342 of 2022 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 fortnight for next six months 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)

Jagdish/-

U		T	
---	--	---	--

