

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61917 of 2023

Arising Out of PS. Case No.-113 Year-2022 Thana- VAISHALI District- Vaishali

Raushan Kumar S/O Raj Kishore Singh @ Sanjeev Singh R/O Village- Jarang
Rampur, PS. Vaishali (Belsar OP), in the district of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Ranjeet Kumar, Adv.
For the Opposite Party/s	:	Mr. Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-11-2023 Heard Mr. Krishna Prasad Singh, learned senior counsel duly assisted by Mr. Ranjeet Kumar, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This is the second attempt of the petitioner renewing his prayer for bail in connection with Vaishali (Belsar O.P) P.S. Case No. 113 of 2022 registered for the offences punishable under Sections 341, 323, 307, 302 and 342/34 of the Indian Penal Code.

3. Earlier, the prayer for bail of the petitioner was rejected by this Court in Cr. Misc. No. 53319 of 2022 vide order dated 15.02.2023, taking into consideration the specific nature of accusation that the deceased was dragged by the petitioner



from his Jeepsy car by wrapping *gamacha* in his neck.

4. Learned senior counsel appearing on behalf of the petitioner submits that despite the charge-sheet having been filed on 22.08.2022, till date even the charges have not been framed and the petitioner has been incarcerated since 01.06.2022. He further drew the attention of this Court to the order passed by the learned co-ordinate Bench of this Court in connection with co-accused Vaibhaw Kumar @ Vaibhav Kumar in Cr. Misc. No. 65314 of 2022 vide order dated 04.04.2023, and on the strength of the aforementioned order, he submits that from the FIR, it is evident that the omnibus allegation has been levelled that all the persons, who were seated in the Jeepsy car caught hold of the deceased and thereafter all of them gave dagger blow due to which he died. The aforesaid allegation has not been corroborated by the postmortem report. He next submits that from the FIR, it also appears that the informant is not an eyewitness to the alleged occurrence. However, he submits that though the matter has been earlier considered and the prayer for bail of the petitioner was rejected but in view of the subsequent development that one of the co-accused having more or less identical allegation has been allowed the privilege of bail and the petitioner is languishing in custody for about one



year and a five months. Moreover, till date the charges have not been framed.

5. Learned counsel for the State opposes the bail application and submits that the prayer of the petitioner has already been rejected on merit and there is no overwhelming and cogent circumstance warranting reconsideration of the prayer of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that despite charge-sheet having been submitted on 22.08.2022, till date the charges have not been framed and moreover one of the co-accused having more or less identical allegation, has been allowed the privilege of bail, **let the petitioner, named above, be released on bail after framing of charge(s)** on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali (Belsar O.P) P.S. Case No. 113 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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