

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61293 of 2022

Arising Out of PS. Case No.-208 Year-2019 Thana- JANDAHA District- Vaishali

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RABINDRA RAI @ ABHISHEK KUMAR, SON OF BHARAT RAI, R/O
VILLAGE- CHAKSALHA, P.S.- RAJAPAKAR (BARANTI O.P.),
DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Bela Singh, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Jandaha P.S.
Case No. 208 of 2019 registered for the offence punishable under
Sections 302 and 34 of the Indian Penal Code and Section 27 of the
Arms Act.

The informant's brother has allegedly been killed by
Santosh Mahhto, Ramu Sahni and Birju Das at Jandaha where he
was called by co-accused Ramu Sahni. The allegation is founded on
the fact that the deceased had earlier solemnized marriage with
daughter of co-accused Santosh Mahto.

Learned counsel for the petitioner submits that in course
of investigation one co-accused Abhishek Kumar has stated about
the petitioner's complicity. The said Abhishek Kumar has been
allowed bail in *Cr. Misc.No. 18744 of 2021*. Other than statement of
co-accused recorded in the police custody, no material has emerged
in the investigation. Another co-accused Ramu Sahni has also been



allowed bail in *Cr. Misc. No. 86838 of 2019*. The petitioner has one antecedent in Rajapakar P.S. Case No. 206 of 2019 of certain allegations under the Arms Act. In the instant case, petitioner is in custody since 30.07.2022. Investigation is complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the fact that petitioner is not a named accused and his implication is founded on confessional statement, as well as period of custody and claim based on parity, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 208 of 2019, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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