

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5730 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- MUSRIGHRARI District- Samastipur

AKHILESH KUMAR SON OF RAMVRIKSH SINGH @ RAM BRIKSH
SINGH R/O VILLAGE- FATEHPUR WALA, P.S.- MUSARIGHARARI,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 17-08-2023

Heard the parties.

The petitioner is in custody in connection with Musarigharari P.S. Case No. 26 of 2022 for the offence under sections 302 and 34 of the Indian Penal Code lodged on 13.02.2022 by the informant, Anita Devi.

As per the prosecution story, the informant had alleged that her husband was asked by one Raj Kumar to come to his home. Thereafter, he left the place to meet him as also Ankur Kumar. Later, she rang her husband, but he failed to answer. Next morning, she came to know that he has been murdered. Accordingly, the F.I.R.

The informant has claimed that her husband had received threats from Ankur Kumar, Ravi Ranjan Kumar and Bansi Prasad Singh and an information to this effect was also given to the S.D.M. Samastipur. They were seen on the date of occurrence together.



As per the learned counsel for the petitioner, it is merely a suspicion and there is no direct involvement of the petitioner. The further submission is that the Raj Kumar who had called the informant's husband has since been granted bail by a co-ordinate Bench vide Cr. Misc. No. 2937 of 2023 while the other accused, Bablu Singh has also been extended the privilege of bail vide Cr. Misc. No. 55370 of 2022.

Let the same be kept on record.

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

Taking into account the fact that the suspicion has been raised against the petitioner alongwith other accused persons, Raj Kumar who had called the informant's husband has since been granted bail, F.I.R. lodged, he will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of Sub-Divisional Judicial Magistrate, Samastipur, in connection with Musarigharari P.S. Case No. 26 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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