

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18920 of 2024

Arising Out of PS. Case No.-948 Year-2022 Thana- ARA NAGAR District- Bhojpur

Md. Rafi @ Md. Rafik Son of Iftikar R/o Village- Dharhara, P.S.- Ara Town,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinava Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 30-08-2024

Heard the parties.

2. The petitioner is in custody in connection with Ara Town P.S. Case No. 948 of 2022 for the offence under sections 302, 120(B), 34 of the Indian Penal Code and 25(1-b)a, 26, 35 of Arms Act lodged on 01.11.2022 by the informant, Mahendra Prasad Singh.

3. As per the prosecution story, the allegation is that informant's son, Vicky @ Shashikant was shot dead by three unknown accused persons near village Danapura on the road and the informant has suspicion that his killing has to do with the business rivalry. Accordingly, the FIR.

4. Subsequently, one Md. Akhtar was taken into custody, his motorcycle used in the occurrence was seized and he made confession in which he named one Md. Munna and this



petitioner, Md. Rafi @ Md. Rafik to be the two persons who killed Vicky.

5. In his confessional statement, he stated that his motorcycle was taken by the accused persons and after the occurrence, parked it in the Hospital and before he could go and get his motorcycle back, it was seized by the Police.

6. Earlier, the petitioner moved this Court in Cr. Misc. No. 35187 of 2023 which came to be rejected on 29.08.2023. In that circumstance in the present case, report was called for and the same has come vide letter no. 50 dated 01.07.2024 according to which, out of 5 prosecution witnesses including the investigating officer and the doctor who are to be examined, no prosecution witness has been examined though charges have been framed on 04.06.2024.

7. Learned counsel for the petitioner submits that he has already suffered, do not have criminal antecedent and if extended the privilege of bail, he shall be diligently attending the trial without fail. The further undertaking is that failure to do so, the State shall be free to take steps for cancellation of his bail bond.

8. Learned APP opposes the prayer for bail submitting that he had a prominent role to play in it.



9. Though there is allegation against the petitioner, the fact remains that he is in custody since 21.11.2022 and do not have criminal antecedent, an undertaking has been given that he will be diligently appearing in trial and as per the report the trial has still not begun. In that background, this Court is inclined to extend him the privilege of bail with conditions.

10. 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 Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Town P.S. Case No. 948 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 month till conclusion of the trial;

(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.

(Rajiv Roy, J)

Vijay Singh/-

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

