

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26235 of 2024

Arising Out of PS. Case No.-453 Year-2019 Thana- ALOULI District- Khagaria

1. Ajay Mukhiya Son of Japan Mukhiya Resident of Village- Saradahi, P.S.- Alauli, Dist.- Khagaria
2. Subhash Tanti @ Subhash Chaupal Son of Laxami Chaupal Resident of Village- Dhararba, P.S.- Bithan, Dist.- Khagaria
3. Thithar yadav Son of Parameshwar Yadav R/o Village- Sataghatta, P.S.- Alauli, dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-06-2024 Heard the parties.

2. The petitioner is an accused in connection with Alauli P.S. Case No. 453 of 2019 registered for the offences under sections 147, 302, 34 and 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 28.12.2019 by the informant, Rajesh Kumar.

3. As per the prosecution story, the informant alleged that while returning home, the accused persons on motorcycle intercepted and on the order of Angad Rai and Shiv Shankar Rai, he was forced to sit on motorcycle. Further, allegation is that as they spot the villagers, upon order of Shiv Shankar Rai and Angad Rai, Siko Rai @ Niranjan Rai opened fire causing injury on the informant's brother. He was subsequently taken to the hospital but died. Accordingly, the FIR.

4. It is the case of the petitioner that he is not named



in the FIR, roles have been attributed to accuseds inasmuch as the informant has given the name of the order giver as also the person who opened fire. Subsequently, one Md. Rashid with whom they are/were not in good terms, was picked up and he in his confessional statement named him which led to his custody.

5. It is his submission that they are in custody since 14.07.2022 (as per the order sheet of learned Sessions Judge) and further they have not been put on Test Identification Parade though he concede that all the three petitioners have criminal antecedent. He further submits that one of the similar situate co-accused namely, Vikram Tanti has since been extended the privilege of bail vide order dated 19.08.2023 passed in Cr. Misc. No. 52327 of 2023.

6. Learned APP for the State, on the other hand, opposes the prayer for bail.

7. Taking into account the aforesaid facts as also the period of custody and one of the similar placed co-accused Vikram Tanti has been granted bail, this Court is inclined to extend them privilege of bail.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned



Court of A.D.J.-V, Khagaria in connection with Alauli P.S. Case No. 453 of 2019, subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners 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)

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