

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34083 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rajnish Kumar Son of Raghunath Mahto R/O Chilmil, Tola Chapki, P.S.-
Mufassil, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 06-09-2024 Heard the parties.

2. The petitioner is in custody in connection with Mufassil (O.P. Singhouli) P.S. Case No. 98 of 2023 for the offence punishable under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act, lodged on 20.02.2023, by the informant, Usha Devi.

3. As per the prosecution story, the husband was returning after attending a negotiation, he was informed about firing having taken place. Gajendra and Surendra Mahto offered to accompany him to his house and when they arrived there, 4-5 unknown persons surrounded the husband of the informant, opened fire causing his immediate death. The informant had suspicion that the role of Gajendra Kumar as he



was dealing with the land. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the lady who is widow of the deceased has named Gajendra Kumar and Surendra Mahto who offered lift and later unknown persons opened fire. However, in course of investigation no one has given the name of the petitioner as the person, who opened fire. The further submission is that he is in custody since 23.01.2024 (paragraph no.5 of the petition) and stands implicated only because he has criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that his name has come during the course of investigation.

6. Taking into account the aforesaid facts as also that the alleged killing is attributed to the unknown persons, he has remained in custody since 23.01.2024 and as per the undertaking given by the learned counsel for the petitioner shall be diligently appearing in trial, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Mufassil (O.P. Singhoul) P.S. Case No. 98 of 2023, 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 fortnight till conclusion of the trial 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.

(Rajiv Roy, J)

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