

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77222 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- PATEPUR District- Vaishali

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Raja @ Raja Babu @ Raja Kumar @ Raj Narayan Mahto Son of Mukhlal
Mahto Village- Malpur, Ward No. 12, P.S. Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-12-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the allegation
against the accused persons including the petitioner is that they
fired upon the grandson of the informant due to which he
sustained gunshot injury and died.

4. Learned counsel for the petitioner submits that
no such occurrence as alleged ever took place. He is quite
innocent and has been falsely implicated in this case. The
allegation levelled against the petitioner is not specific rather
general and omnibus in nature. He submits that the petitioner is



not named in the F.I.R, only on the basis of confessional statement of co-accused, Sunny Kumar, the petitioner has been made accused in the present case. He further submits that similar situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 10.08.2023 passed in Cr. Misc. No. 40953 of 2023. The petitioner has one criminal antecedent and has been languishing in custody since 22.06.2024.

5. Learned APP for the State opposed the bail petition.

6. Considering the facts aforesaid, custody of the petitioner and the fact that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Patepur P.S. Case No.03 of 2023, subject to the following conditions :

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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