

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80285 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- MAHINDWARA District- Sitamarhi

Ajit Ray @ Ajit Anand Son of Late Kapildew Ray Resident of Village- Neuri
Ward No. 17, P.S.- Mahindwara, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-11-2024 Heard Mr. Uday Kumar, learned counsel for the

petitioner and Mr. Md. Mustaque Alam, learned APP for the

State.

2. The petitioner is in custody in connection with
Mahindwara P.S. Case No. 93 of 2023 for the offence
punishable under sections 307, 302 and 34 of the Indian Penal
Code and Section 27 of the Arms Act lodged on 01.07.2023 by
the informant, Mitesh Kumar.

3. As per the prosecution story, the informant
(deceased) alleged that he had gone to attend an orchestra that
was going on. In the meantime, named accused namely,
Rajkumar, Chandra Shekhar Kumar and Prem Chandra came to
the stage, took him down whereafter one Raj Kumar opened fire
causing injury in his left chest. He was shifted to Vedanta



Emergency Hospital where his treatment was going on. As recorded, subsequently, he succumbed to the injuries. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, the deceased himself have named three accused persons with specific allegation against Raj Kumar that he opened fire causing injury in his chest. Subsequently, during investigation, it was found in the Cc.T.V. footage that alongwith the three accused persons, the petitioner was also present. He submits that his presence does not matter inasmuch as Raj Kumar is the only person who opened fire causing the death of the informant. It is his further submission that he has remained in custody since 20.08.2024 (paragraph-4 of the petition) having no criminal antecedent.

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

6. Having gone through the facts of the case as also the submissions of the parties since the informant who subsequently succumbed to the injuries himself has alleged opening of fire against Raj Kumar which ultimately led to his death, the name of the petitioner has come during the course of investigation without assigning any role to him, is in custody



since 20.08.2024 and has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. 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, Sitamarhi, in connection with Mahindwara P.S. Case No. 93 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 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.

(Rajiv Roy, J)

Adnan/-

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