

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5394 of 2024

Arising Out of PS. Case No.-6 Year-2019 Thana- MAHINDWARA District- Sitamarhi

Jaishankar Rai @ Jaishankar Kumar, aged about 22 years, Male Son of Binda Rai, Residents of Village - Rampur Pokhari, P.S. - Taryani, District – Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mahindwara PS Case No. 06 of 2019 instituted for the offences punishable under Sections 302/ 34, 120(B), 216 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation in the FIR, information was received by the informant that five accused persons on two motorcycle had shot and killed one Vinod Rai.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. From perusal of the case diary, FIR and bail order of the co-ordinate Bench of this Court



(Annexure-P-2) series as well as the bail rejection order of the learned Sessions Judge, Sitamarhi dated 06.12.2023, it appears that petitioner is not named in the FIR. Similarly situated co-accused persons namely Rakesh Rai and Saroj Rai have been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 45284 of 2021 dated 24.03.2022 and Cr. Misc. No. 40572 of 2021 dated 21.03.2022. Similarly situated other non FIR accused persons namely Abhay Kumar Yadav @ Abhay Rai @ Abhay Kumar Rai, Satya Prakash Mahto, Md. Dilshad, Manish Kapur @ Monu Kapar @ Manish Kumar and Naresh Rai, Saddam @ Md. Saddam @ Irfan Hussain and Raghu Rai @ Raghu Rai have already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. Nos.35769 of 2021,17723 of 2020, 74437 of 2019, 58549 of 2019, 22449 of 2019, 23924 of 2019 and 29413 of 2019 dated 28.10.2021, 24.09.2020, 18.12.2019, 23.10.2019 and 05.07.2019 respectively. Petitioner is in custody since 07.10.2023.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned Chief Judicial
Magistrate, Sitamarhi in connection with Mahindwara PS Case
No. 06 of 2019.

(Ramesh Chand Malviya, J)

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