

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5122 of 2024

Arising Out of PS. Case No.-444 Year-2012 Thana- PHULWARISHARIF District- Patna

Rajesh Rai @ Rajesh Kumar @ Raju Rai @ Raju Son Of Laxhan Rai @ Jagdish Rai Resident of Village - Didarganj Check Post, P.S. - Didarganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 08-05-2024 Heard learned counsel for the petitioner and learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 444 of 2012 instituted for the offence under Sections 147, 148, 149, 307 & 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case in short is that accused persons have murdered the husband of the informant due to previous enmity.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13-06-2023. Petitioner bears six criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, and the same has no evidentiary value. There is no specific allegation levelled against the petitioner, rather allegation is general and omnibus. Specific allegation of fire arm is against co-accused, namely, Arjun Thathera. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to paragraph No. 10 of the case diary that witness has supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no direct allegation against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with



Phulwarisharif P.S. Case No. 444 of 2012, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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