

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.202 of 2025

Arising Out of PS. Case No.-77 Year-2022 Thana- MAHINDWARA District- Sitamarhi

Rajnish Kumar @ Rajnish Raushan S/o Late Chandrika Ray R/o village -
Sugridih @ Sugridih @ Sugridih, P.S. - Mahindwara, Dist. - Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-02-2025 Heard Mr. Santosh Kumar, learned counsel for the

petitioner and Mr. Choubey Jawahar, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
22.09.2022, in connection with S. Tr. No. 218 of 2024 arising
out of Mahindwara P.S. Case No. 77/2022, FIR dated
05.05.2022 registered for the offence under Sections 147, 148,
149, 341, 342, 323, 324, 307 and 302 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was
rejected twice vide order dated 24.07.2023 passed in Cr. Misc.
No. 6922 of 2023 and vide order dated 15.05.2024 passed in Cr.
Misc. No. 11821 of 2024.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and he has falsely been implicated in this case. He
further submits that the petitioner is in custody since 22.09.2022



and the trial is not in progress. He further submits that similarly situated other co-accused person, namely, Abnish Kumar @ Manish Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.05.2023 passed in Cr. Misc. No. 28956 of 2023, co-accused person, namely, Bhag Narayan Rai @ Bhagya Narain Rai @ Bhagya Narayan Rai @ Bhag Narayan Ray and Ors. have been granted bail by a co-ordinate Bench of this Court vide order dated 24.07.2023 passed in Cr. Misc. No. 32980 of 2023, co-accused person, namely, Ram Ayodhya has already been granted bail by a co-ordinate Bench of this Court vide order dated 01.08.2023 passed in Cr. Misc. No. 36538 of 2023, co-accused person, namely, Ram Vivek Rai & Anr. have already been granted bail by this Court vide order dated 03.10.2023 passed in Cr. Misc. No. 42393 of 2023, co-accused person, namely, Raghvendra Kumar @ Bachcha Babu & Anr. have already been granted bail by a co-ordinate Bench of this Court vide order dated 10.10.2023 passed in Cr. Misc. No. 42372 of 2023 & Cr. Misc. No. 42374 of 2023 and co-accused person, namely, Tinku Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 08.02.2024 passed in Cr. Misc. No. 42388 of 2023. The petitioner is rotting in judicial custody since 22.09.2022.



5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has assaulted with the knife blow upon the deceased and another co-accused persons have also assaulted upon the deceased.

6. Vide order dated 10.01.2025, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 25.01.2025 reveals that the case record is fixed for prosecution evidence. No witness has been examined as yet despite ofailable warrant issued against the unofficial witnesses for adducing evidence but no one appeared as yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 22.09.2022.

8. Considering the report of the learned trial Court as well as period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIII,



Sitamarhi in connection with Sessions Trial No. 218 of 2024 arising out of Mahindwara P.S. Case No. 77 of 2022 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

ajay/-

U		T	
---	--	---	--

