

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45136 of 2014

Arising Out of PS.Case No. -21 Year- 2013 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Lalan Prasad Kushwaha @ Lalan Kumar Son of Sita Ram Prasad @ Sita Ram Bhagat Resident of Village - Sonoul, P.S. Rajepur, District - East Champaran..... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Gulnar Begum(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-02-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Rajepur P.S. Case No. 21 of 2013 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, co-accused named in the FIR and 3-4 unknown surrounded the father of the informant and on the order of co-accused Ramdeni Prasad and Bhagwan Sah, co-accused Dharmendra Kumar @ Pappu Kumar opened fire which hit on his right chest, he fell down and when the informant tried to rescue his father, co-accused Rajesh Thakur opened fire which did not hit the informant and then, Rajesh Thakur ran to catch him but he fled away.

Submission is that the petitioner is not named in the FIR and during investigation the Police has implicated him recording his so-called confessional statement and besides that there is no cogent and legal material against the petitioner.

Learned APP opposes the prayer for bail.

In the facts and circumstances stated above and considering the fact that the petitioner is not named in the FIR and he has not been put on test identification parade, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikrahana, East Champaran, Motihari in connection with Rajepur P.S. Case No. 21 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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