

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.863 of 2015

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Raju Ji @ Raju Sah @ Raju son of Late Jokhan Sah, resident of Singhiya Sagar, P.S.-Banjariya, Dist. East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-03-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 302, 307 and some other allied offences of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits that the deceased Rakesh Raushan Kumar is alleged to have been given repeated blow of knife by co-accused Vikram Kumar. So far as the petitioner is concerned, he is not alleged to be the assailant of the deceased. He is alleged to have assaulted other family members. It is highlighted that the petitioner is not an accused in any other criminal case except the present one and he is in judicial custody since 31.07.2014.

Learned APP appearing for the State though has opposed the prayer for bail, but has not disputed the aforesaid submissions.

In above view of the matter, particularly, taking into consideration that the petitioner is not the assailant of the deceased, his prayer for bail is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond

of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in Motihari Town P.S.Case No. 576 of 2013, subject to the following conditions:

(A) one of the bailors must be government servant or close family member of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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