

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 37522 of 2014

Arising out of P.S.Case No.-53 Year-2012 Thana-AKBARNAGAR District-BHAGALPUR

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Aman Kumar Rai @ Aman Kumar, Son of Sri Sunil Kumar Rai @ Sunil Rai, Resident of Village - Makandpur, P.S. - Akbar Nagar, District - Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 30-09-2015 Heard learned counsel for the petitioner and learned counsel for the State.

This is a petition for grant of regular bail in a case under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner has not been named in the First Information Report but his name has been transpired in paragraphs 17, 18 and 61 of the case diary. The informant is the son of the deceased and it is alleged that the occurrence took place at the house when the two unknown persons came and fired indiscriminately. However, the date of occurrence is 25.08.2012. The two persons named in paragraphs 17 and 18 of the case diary are neighbours and were present at the place of occurrence where the informant already claims to be present. Though the occurrence took place and thereafter First Information Report lodged but the name of the accused has not come and in paragraphs 17 and 18 the witnesses stated that they identified the accused. Had they identified

they must have stated the name of the accused. The son of the deceased in paragraph 61 of the case diary has stated that the victim was unconscious but at the hospital the pellets from the body of the victim was taken out, his condition improved and he became conscious and gave statement disclosing the name of this petitioner to have fired and thereafter it is alleged that he has not become conscious and was seriously ill and his position became deteriorated on 28.08.2012 and died on 29.08.2012. However, there is no medical report to the fact that the condition of the deceased improved, as such, he may not be able to speak out.

Hence, having regard to the facts and circumstances of the case, the petitioner above named is ordered to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Akbar Nagar P. S. Case No. 53 of 2012, subject to the condition that the petitioner shall appear in the case on each and every date fixed by the court below and any absence of the petitioner shall be subject to the satisfaction of the court below on reasonable grounds and will co-operate with the investigation and trial as and when required.

(Gopal Prasad, J)

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