

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13102 of 2015

Arising Out of PS.Case No. -77 Year- 2007 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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Niraj Jee @ Avinash Kumar Son of Sri Janglu Ram@ Janglu Paswan
resident of village- Kailashpur, Police Station- Sarayaganj, District-
Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha, Adv.

For the Opposite Party/s : Mr. Arun Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

7 30-09-2015 Heard both sides.

The petitioner seeks bail in Rajepur P.S. Case No. 77/2007,
registered for the offences punishable under Section 302 and other
Sections of the Indian Penal Code.

The police got information that a meeting of MCC was to
be held in which Ram Pravesh Baitha @ Satish Ji, Ram Babu Ram
@ Rajan Ji, Gauri Shankar Jha @ Dinkar Ji were to participate.
The police along with C.R.P.F. went to the place of occurrence.
There was firing and cross-firing but the accused persons fled
away. Three C.R.P.F. constables including Assistant Commandant
of C.R.P.F. were killed in the firing made by the M.C.C.

It is submitted that only five accused persons are named in



the FIR, namely Vishwanath Sahni, Ram Chandra Sahni, Rampravesh Baitha, Ram Babu Ram and Gauri Shankar Jha @ Dinkar Ji. The petitioner is not named in the FIR. Name of the petitioner figured in the case in the confessional statement of Shyam Babu Sahni. Save and except the confession of Shyam Babu Sahni, there is no other material against the petitioner.

Learned counsel for the petitioner submits that there is no material against the petitioner except this confessional statement of Shyam Babu Sahni in whose confession the name of the petitioner figured in the case.

Shyam Babu Sahni has already been enlarged on bail. Many other accused persons whose name figured in the case during course of investigation have already been enlarged on bail. Even Ram Pravesh Baitha whose name figured in the FIR itself has also been enlarged on bail vide order passed in Cr. Misc. No. 44615/2014. The prayer for bail of Pawan Mahto and Gauri Shankar Jha who are named in the FIR has been rejected.

Considering the facts aforesaid and the fact that save and except the confession of Shyam Babu Sahni no material is collected against the petitioner and Shyam Babu Sahni has already been enlarged on bail, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten

Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikarahana at Motihari, in connection with Rajepur P.S. Case No. 77/2007.

(Prabhat Kumar Jha, J.)

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