

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39864 of 2014

Arising Out of PS.Case No. -98 Year- 2013 Thana -BIHIYA District- BHOJPUR

=====

Rajesh Singh son of Late Tarkeshwar Singh, resident of village- Khanita,
P.S. Itarhi, Dist. Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh
For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)
For the I.O.C.L. : Mr. Krishna Chandra

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

3 14-01-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State of Bihar as well as
learned counsel appearing on behalf of the informant.

The petitioner is in custody since 18.07.2014 in a case
punishable under Sections 379 of the Indian Penal Code and
Section 15(2), 16 of Petroleum and Mineral Pipeline Act.

Learned counsel for the petitioner at the outset submits that
the petitioner was not named in the First Information Report and
his name cropped up in course of investigation merely on the basis
of suspicion. He submits that there is no direct or indirect material
against him to connect him with the offence alleged. He further
submits that persons similarly situated have been granted bail by
this Court vide orders dated 09.05.2014 passed in Cr. Misc.



No. 6474 of 2014 (Sonu Raj Vs. State of Bihar) and Cr. Misc. No. 6282 of 2014 (Bikaram Singh @ Vikrama Singh & Anr. Vs. The State of Bihar). He further submits that another co-accused whose name also cropped up in course of investigation, namely, Sanjiv Kumar Singh has been granted bail by this Court vide order dated 15.07.2014 passed in Cr. Misc. No. 17932 of 2014.

By an order dated 22.10.2014, case diary was called for. Learned Assistant Public Prosecutor however, has not been able to refer to any material in the case diary containing specific allegation against this petitioner. Learned Additional Public Prosecutor has however, referred to paragraph No. 3 of the bail application to submit that petitioner has criminal antecedent and is an accused in cases of similar nature.

Be that as it may, in the facts and circumstances of the case and in view of the fact that other similarly situated persons have been granted bail, let the petitioner Rajesh Singh be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara, in connection with Bihiya P.S. Case No. 98/2013.

It is however, indicated that if the petitioner is again made accused in another case of similar nature, the State shall be at

liberty to approach this Court for cancellation of bail granted by virtue of the present order.

This application is allowed with the observation as above.

(Chakradhari Sharan Singh, J.)

Saif/-

U			
---	--	--	--

