

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52029 of 2015

Arising Out of PS.Case No. -95 Year- 2015 Thana -AURANGABAD TOWN District-
AURANGABAD

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Rahul Kumar @ Rahul Sharma, Son of Shri Anil Sharma, Resident of
Village- Kusha, Police Station- Obra, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 22-12-2015 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection Sessions Trial
No.262/15/16/15, arising out of Aurangabad (Town) P.S. Case
No.95 of 2015 registered under Sections 302 and 120(B)/34 of the
Indian Penal Code besides Section 27 of the Arms Act.

The allegation of the informant, Vijay Kumar Singh, is
that on 15.03.2015, he alongwith his cousin brother, Navin Singh,
was sitting on Chair in the front of his Steel shop facing to east.
At that time, the co-accused, Gobind Singh and Bisheshwar Singh,
both resident of Rambandh, alongwith two unknown pointing
finger towards them were talking to each other. Thereafter, they

went from there. Again in the evening at about 06.30 P.M., the co-accused, Gobind Singh, Bisheshwar Singh, Yugesh Pandey, Janeshwar Chandravanshi and that two unknown persons borne on three motorcycles came there and parked the motorcycles in front of his shop. Two unknown persons got down from their motorcycle and out of them, one shot fire on the temporal region of his cousin, Navin Singh, who fell down from the chair. While the informant tried to catch one person out of two but he pointing out pistol at him fled away. While the cousin of the informant was rushed to the hospital but he was declared dead there by the doctor.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. In course of investigation, it has only come at paragraph-98 of the case diary that this petitioner had talked to Pintu Sharma, who was in jail custody at that time. Later on, the police apprehended the petitioner and got recorded his confessional statement, as detailed in paragraph-157 of the case diary, showing to hatch conspiracy in the present case. Except that, there is nothing against the petitioner to connection him in the commission of the alleged offence. In fact, the petitioner is accused in one case also, as detailed in paragraph-3 of the application, due to that reason, he

has been made accused in this case also. The petitioner is in jail custody since 25.04.2015 in the present case.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I, Aurangabad, in connection with Sessions Trial No.262/15/16/15, arising out of Aurangabad (Town) P.S. Case No.95 of 2015. Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner.

(Rajendra Kumar Mishra, J)

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