

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4315 of 2016

Arising Out of PS.Case No. -55 Year- 2008 Thana -RAIL District- LAKHISARAI

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Bambam Singh @ Rakesh Kumar @ Rakesh Singh son of Ballan Singh,
resident of Village- Babhangawan, P.S.+District Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Pd.Singh , APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 28-03-2016 Heard the learned counsel for the petitioner and the

learned A.P.P. representing the State.

The petitioner seeks bail in connection with Rail
Kiul P.S. Case No. 55 of 2008 registered for the offences
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly, the petitioner and other F.I.R. named
accused persons came at Lakhisarai Station, surrounded the
husband of the informant, started abusing him and on pretext,
they claimed to kill him and when her husband started fleeing
away then on the order of Vinod Singh and Bibhishan Singh,
Pravin Singh and Roshan Singh opened fire and further, Pappu
Singh and Navin Singh were also instigating for opening fire

resulting the husband of the informant fell down and then, all the seven accused persons started fleeing away and at that time, the petitioner also opened fire.

Submission is of false implication and that the petitioner was in custody in connection with another case and was remanded in this case in the month of June, 2015, the petitioner is not the assailant, the only allegation against him is that at the time of fleeing away he opened fire, co-accused Roshan Singh has already been acquitted vide Sessions Trial No. 74 of 2010, and as such, the petitioner deserves sympathetic consideration, to which the learned APP opposes by submitting that this is the case of the year 2008 and the petitioner was remanded in the year 2015.

In the facts and circumstances stated above, considering that the petitioner is not the assailant and as such the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Rail Kiul, Lakhisarai, in connection with Rail Kiul P.S. Case No. 55 of 2008, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court

concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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