

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7589 of 2016

Arising Out of PS.Case No. -790 Year- 2015 Thana -SITAMARHI District- SITAMARHI

=====

Ram Babu Rai Son of Ram Binay Rai, Resident of Village- Madhopur
Raushan Bhisra, P.S. - Dumra, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Ms. Anita Kumari Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 18-04-2016 Heard learned counsel for the petitioner and counsel
for the State.

The petitioner is seeking bail in connection with
Sitamarhi P.S. Case No. 790 of 2015 for offence under Section
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per First Information Report, the victim was a
journalist and was also a R.T.I. activist and had recently demanded
information regarding illegal activities of the persons. He received
information with regard to illegal possession of the land by Ashok
Kumar Singh and Jai Prakash and others which has published in
the local newspaper.

On the day of incident, he received a call in his
mobile. He told the family members that after returning, he will
take dinner and after a while, the sound of gun shot was heard.

The Informant and other family members rushed and found the victim has been killed by causing firearm injury.

During investigation, it was found that under the conspiracy, the victim has been killed. The name of the petitioner has been divulged in the confessional statement of co-accused. Later on, he has also made an inculpatory statement. Learned counsel for the petitioner has submitted that other persons, namely, Dipak Kumar and Lokesh Kumar Singh @ Lokesh Singh have been granted anticipatory bail by order dated 25.2.2016 in Cr. Misc. No. 58428 of 2015 and order dated 18.2.2016 in Cr. Misc. No. 2720 of 2016. Ashok Singh and Jai Prakash @ Jai Prakash Agrawal have also been granted anticipatory bail by order dated 8.4.2016 in Cr. Misc. No. 3493 of 2016 and order dated 8.4.2016 in Cr. Misc. No. 3311 of 2016 respectively.

Looking to the facts and circumstances of the case, let the petitioner, namely, Ram Babu Rai, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 790 of 2015, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the

prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the petitioner will report to the Sitamarhi police station by 7th of every month for at least one year and in case of failure without any valid rhyme or reason, the bail of the petitioner will be treated to have been cancelled.

If the case has not been committed to the court of sessions as yet, the trial court is directed to commit the case to the court of sessions and the court of sessions, on receipt of the records, is also directed to conclude the trial within a period of one year from the date of receipt of the record.

The prosecution is also directed to produce all the witnesses during trial without unnecessary delay.

The court of sessions is also directed to submit a report to this Court after one year from the date of receipt of the records.

(Shivaji Pandey, J)

Rishi/-

U		T	
---	--	---	--