

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7279 of 2016

Arising Out of PS.Case No. -173 Year- 2014 Thana -BARAHIYA District- LAKHISARAI

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RAMBABU SINGH, son of Late Ram Balak Singh, Resident of village-
Khutahadih, P.S.- Barahiya, District- Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mr. C.Sen Pd.Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Barahiya P.S. Case No. 173/14 for offences alleged under Sections

147, 148, 149, 452, 302, 120-B/34 of the Indian Penal Code and

Section 27 of the Arms Act.

The prosecution case, as lodged by the informant,

is that in the night of 08.10.2014 all of a sudden she woke up

hearing the sound of firing and saw through the window First

Information Report named accused armed with pistol running here

and there. She saw her daughter weeping on the roof having

bleeding injury and her husband dead. Her daughter claimed that

Pankaj Kumar shot her father dead.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report but his name figured in the further statement of the informant. He further submits that neither in the statement under Section 164 Cr.P.C. informant has named the petitioner nor the eye-witness i.e. daughter of the informant Kajal Kumari has named the petitioner, as is evident from paragraph 11 and 77 of the case diary. It has further been submitted that the co-accused Pankaj Kumar, in paragraph 44 of the case diary, has named the petitioner as one of his accomplice. He further submits that perusal of the materials available on record does not show any incriminating material in possession of the petitioner and he will not abscond nor flee nor temper with the evidence.

However, learned APP for the State submits that the petitioner has been named by the co-accused Pankaj Kumar as his accomplice and in the further statement of the informant the name of the petitioner figured, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case, since the petitioner is not named in the First Information Report, even the eye-witness nor the informant under Section 164 Cr.P.C. has named the petitioner, let petitioner, above named, in the event of his arrest or surrender before the court below within a

period of eight weeks from today, 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, Lakhisarai, in connection with Barahiya P.S. Case No. 173/14, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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