

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47957 of 2016

Arising Out of PS.Case No. -55 Year- 2012 Thana -PARAIYA District- GAYA

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Rakesh Kumar @ Rahul S/o Late Saryug Prasad R/v- Budh Paraiya Tola,
Koiribigha, P.S.- Paraiya, Distt- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 05-12-2016 Heard the counsel for the petitioner and the State.

A prayer for bail has been made on behalf of the petitioner in Paraiya P.S. Case No. 55 of 2015 registered under sections 302 & 201 IPC against unknown.

As per the prosecution, three unknown persons came to the brick-kiln and demanded water from the guard. Another guard Ashok Ram accompanied them with the bucket and thereafter did not return.

It is submitted by the counsel for the petitioner that there is no direct evidence incriminating the petitioner in the crime. He refers to diverse paragraphs of the case diary in order to submit that only a suspicion has been raised against the petitioner. It is stated that the petitioner is in custody since 18.06.2015. He was made accused in few cases prior to the present one as mentioned



in paragraph 3 of the bail petition, but he has either been acquitted or released on bail in those cases. Co-accused Moti Paswan against whom similar prosecution having been launched has since been granted bail by this Court vide order dated 31.08.2016 (Annexure-3).

Counsel for the State submits that the petitioner made a confession before the police.

Considering the facts and circumstances of the case, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sri Kumar Avinash, Judicial Magistrate, 1st Class, Gaya in Paraiya P.S. Case No. 55 of 2012 (G.R. No. 2497 of 2012) on condition that one of the bailors of the petitioner shall be his own/close family member. In the event of framing of charge, the petitioner shall appear in person on each date fixed at the trial. In case of default in doing so on two consecutive dates, the trial court shall have liberty to cancel his bail bonds and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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