

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45035 of 2015

Arising Out of PS.Case No. -177 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

1. Raushan Singh @ Raushan Kumar Singh Son of Niranjana Singh
Resident of village - Bhotiya, Police Station Bakhtiyarpur, District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Opposite Party/s : Mr. Meena Singh (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 13-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Simri Bakhtiyarpur (Balwahat) P.S. Case No. 177 of 2015 registered for the offences punishable under Section 307/34 of the Indian Penal Code.

Allegedly three motorcycle borne criminals came at the shop of the informant at about 8.30 P.M. on 12.05.2015, opened fire which hit the thigh of the informant Abhinandan Gupta and thereafter they fled away. During investigation the name of the petitioner and others transpired that they have earlier demanded ransom from Surendra Prasad Sah and opened fire and then came to the shop of Abhinandan Gupta and opened fire. Surendra Prasad

Sah has allegedly identified the petitioner.

Submission is of false implication and that the petitioner is in custody since 25.06.2015 but has not been put on T.I.P. and after tagging this case with Bakhtiyarpur P.S. Case No. 178/15 the petitioner has been got implicated, no motive has been assigned in this case as to why the informant was shot. No one has seen the petitioner opening fire and further Roshan Singh of village Aini who was a Veteran criminal, having so many cases to his credit, has also been killed later on and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that after opening fire at the shop of Surendra Prasad Sah the petitioner and others came at the shop of the informant of this case and caused fire arm injury in his thigh.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail **after completing nine months in custody** from date of his remand 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 C.J.M., Saharsa arising out of Simri Bakhtiyarpur (Balwahat) P.S. Case No. 177 of 2015 subject to the conditions that one of the bailors must be 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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