

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50876 of 2016

Arising Out of PS.Case No. -88 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Rajesh Kumar, Son of Sri Ramjanam Mahto, Resident of Dujra Devi
Asthan, Mohallah - Buddha Colony, P.S. - Buddha Colony, District and
Town at Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Narayan Singh, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-11-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since

09.06.2016 in connection with Raxaul P.S. Case No. 88/16 for

offences punishable under Sections 147, 148, 149, 323, 324,

354, 363, 448 and 307 of the Indian Penal Code and Section

27 of the Arms Act.

The prosecution case is that the petitioner

along with other persons armed with weapons made attempt to

grab the land of the informant and indulged in indiscriminate

firing. It is further alleged that an attempt was also made to

outrage the modesty of the daughter of the informant.

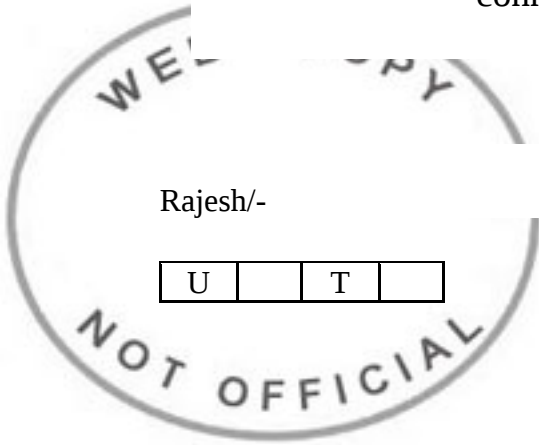


It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and his name has falsely been dragged in the aforesaid case. He submits that the charge-sheet has already been submitted, hence, there is no chance of tampering with the evidence. He further submits that the persons named in the First Information Report, have already been granted the privilege of anticipatory bail by a Coordinate Bench of this Court in Cr. Misc. No. 39657 of 2016 on 19.11.2016 and other similarly situated co-accused have also been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 40421 of 2016 and Cr. Misc. No. 40541 of 2016 on 30.09.2016.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report, but during course of investigation his name surfaced, hence, opposes the prayer for bail.

Be that as it may, since the other co-accused on similar allegation, have since been granted the privilege of bail, let petitioner, above named, be also enlarged 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

Sub-Divisional Judicial Magistrate, Raxaul at Motihari in
connection with Raxaul P.S. Case No. 88/16.



(Nilu Agrawal, J.)