

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41841 of 2016

Arising Out of PS.Case No. -110 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

=====

Ram Sharan Singh son of late Deni Singh resident of Village-Khera, P.S.-
Kesaria, District - East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Gopesh Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 15-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
23.04.2016 in connection with Kesaria P.S. Case No. 110 of 2016
registered for the offence punishable under Sections 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the father of the
deceased, is that while his younger son's Barat was to proceed, his
elder son, Rajnish Kumar went on motorcycle to call the vehicle
and while he was returning, he heard the sound of firing. Five
persons, including petitioner were stated to have fired upon the
deceased as per his declaration.

It has been submitted by the learned counsel for the



petitioner that he is innocent, has no criminal history and has been falsely implicated. He further submits that although charge-sheet has been submitted against him earlier on 30.06.2016 vide Charge-sheet No. 200 of 2016, but during further course of investigation, case against the petitioner and other accused persons has not been found true and supplementary charge-sheet has been submitted against five others on 20.10.2016 vide Charge-sheet No. 310 of 2016. It is further submitted that no motive has been alleged behind the killing.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since supplementary charge-sheet has been submitted in which case has not been found true against the petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 11th Additional Chief Judicial Magistrate, Motihari, District East Champaran in connection with Kesaria P.S. Case No. 110 of 2016, subject to the condition that petitioner will appear before the police/ Court below on each and every date and his failure to appear before the learned Court below on two consecutive dates



without assigning any reason will entail cancellation of his bail bonds without being prejudiced with this order.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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