

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56124 of 2015

Arising Out of PS.Case No. -78 Year- 2013 Thana -RAJPUR District- BUXAR

=====

1. Chandan Rajbhar S/o Ram Kishor Ray @ Kishor Rajbhar resident of
Village - Barupur, P.S. - Rajpur, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai

For the Opposite Party/s : Mr. Smt.Veena Rani Pd.(App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 11-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Session
Trial No. 02 of 2014 arising out of Rajpur P.S. Case No. 78 of
2013 registered for the offence punishable under Section 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is not named in the FIR and in the
fardbeyan of the informant which is based on dying declaration of
Gudu there is specific allegation against co-accused Santosh
Paswan that he shot Gudu who later on died.

Submission is of false implication and that the
petitioner is not named in the FIR, his name has come in
confessional statement of co-accused Santosh Paswan before

police and without any legal and cogent material the petitioner is suffering in custody whereas that co-accused Santosh Paswan has already been acquitted in this case and as such the petitioner deserves sympathetic consideration who is suffering in custody since 20.5.2015.

Learned A.P.P. fairly submits that the petitioner is not named and his name has come in the confessional statement of co-accused.

In the facts and circumstances stated above, petitioner is directed to be released on bail 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 A.D.J.-7, Buxar, in connection with Rajpur P.S. Case No. 78 of 2013 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)

siddharth/-

U		T	
---	--	---	--