

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31339 of 2017

Arising Out of PS.Case No. -422 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Rakesh Kumar Singh Son of Late Nagendra Singh, Resident of Village-
Mejarganj, P.S.- Mejarganj, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
20.09.2016 in connection with S.T. No. 419 of 2017, arising out of
Motihari Town P.S. Case No. 422/2016 for offences punishable
under Sections 307/34 of the Indian Penal Code and 27 of the
Arms Act.

The prosecution case, as lodged by the informant, is
that while he was talking to one of his relatives Keshav Kumar
two persons on a motorcycle came and indiscriminately fired. One
pellet hit Keshav Kumar on his head and the other hit the
informant on his thighs.



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 surfaced only on his own extra judicial confessional statement and the confessional statement of one co-accused Yuvraj Prabhu before the police, which has no evidentiary value in the eye of law. He submits that the matter is pending for trial and just because he has a criminal antecedent he has been made accused in the aforesaid case and that there is no rivalry between the parties.

However, learned APP for the State opposes the prayer for bail stating therein that both the injured have sustained fire-arm injuries and have been referred to the higher centre for treatment.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be 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 1st Assistant Sessions Judge, East Champaran at Motihari, in connection with S.T. No. 419 of 2017, arising out of Motihari Town P.S. Case No. 422/2016, subject to the condition that one of the bailors would be a close relative of the petitioner having



sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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