

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41926 of 2017

Arising Out of PS.Case No. -229 Year- 2015 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Brahamdayal Singh @ Brahmadayal Singh S/o Nand Kishore Singh@
Jagdayal Singh Resident of Village- Dharupur, P.S. Nokha, District-
Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Nokha P.S.
Case No. 229/2015 for offences punishable under Section 307 and
other allied Sections of the Indian Penal Code and 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that while petitioner's side was constructing a Nad on the canal in
front of the house, which was objected and the entire family of
Gama Singh including the petitioner armed with gun and katta
came and started assaulting the informant's side. Specific
allegation upon the petitioner is of firing on the informant at the
back.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, both sides are agnates and a counter-case has been lodged by the petitioner's side being Nokha P.S. Case No. 228/2015 and the present case is the counter-blast to the earlier case in which both sides received fire-arm injury and informant's side has been granted privilege of bail. He submits that the opinion about the injury has been reserved but the informant was discharged as is evident from the case diary. He further submits that petitioner is languishing in judicial custody since 01.08.2017, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

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 Addl. Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Nokha P.S. Case No. 229/2015, subject to the following conditions :



- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) 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)

Rajesh/-

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