

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33668 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -KANGALI District-
WESTCHAMPARAN(BETTIAH)

=====

Gauri Ram, son of Late Akalu Ram, resident of Village- Kathia Mathia,
Police Station- Kangali, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh & Mr. Arjun
Prasad, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-11-2017 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner seeks regular bail in connection with Kangali
P.S. Case No. 12 of 2017 for offences alleged under Sections 302,
120(B)/34 of the Indian Penal Code and under Section 27 of the
Arms Act.

The prosecution case, as lodged by the informant is that
on the night at 11.30 p.m. one Suraj Mukhi Devi came to his
house and informed his mother that the petitioner along with four
other accused persons had taken her father Reyaz Ansari along
with her to the house of one Gauri Ram and they had killed the
father of the informant by firing upon him.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case because one of the accused persons had previously lodged a case being Kangali P.S. Case No. 18 of 2016 under Section 307 and other Sections of the Indian Penal Code against the deceased and others. Seraj Ansari and others had gone to jail in connection with the aforesaid case that is why; the petitioner has been falsely implicated in this case. He further submits that the said Suraj Mukhi Devi is not an eye witness to the alleged occurrence as the door was closed and allegation of firing is upon all the five accused persons whereas, the deceased got only two injuries by fire arms. He submits that one of the co-accused on similar allegation has been granted bail by a coordinate Bench of this court in Cr. Misc. Case No. 21744 of 2017 vide order dated 20.06.2017, the petitioner is languishing in custody since 19.02.2017 and that 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 and period of detention, let the 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 VIth Additional Chief Judicial Magistrate, Bettiah, (West Champaran), in connection with Kangali P.S. Case No. 12 of 2017, subject to the following conditions:-

(i). One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, 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)

khushbu/-

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

