

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46779 of 2017

Arising Out of PS.Case No. -168 Year- 2017 Thana -KARAHGAR District- SASARAM (ROHTAS)

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Rajesh Sah, Son of Sri Kapildeo Sah, Resident of Village Karagahar, P.S.-
Karagahar, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Sri Rajballabh Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 19-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Kargahar P.S.
Case No. 168 of 2017 for offences punishable under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he along with his father Jhuni Lal Choudhary along
with uncle, cousin brother went to market to purchase medicine
from Shiv Shankar Medical Hall, seven persons variously armed
with pistol came. Specific allegation upon the petitioner and co-
accused Bablu Pandey and Disu Pandey is of firing on the father of
the informant Jhuni Lal Choudhary who succumbed to the injury.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated by the informant because they are on inimical terms and was there was a quarrel with Bablu Pandey and the deceased few days back. He submits that the owner of Shiv Shankar Medical Hall has not named the petitioner although the petitioner was known to him. It has been further submitted that the police submitted final form stating that there was lack of evidence against the petitioner. He submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since 19.07.2017.

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 Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Karagahr P.S. Case No. 168 of 2017, subject to the conditions that:

- (1) 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.

- (2) 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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