

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38408 of 2017

Arising Out of PS.Case No. -244 Year- 1994 Thana -ARA NAGAR District- BHOJPUR

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1. RADHA MOHAN THAKUR @ RADHA THAKUR @ RADHA, Son
of Late Ram Das Thakur, Resident of Village- Nawadih, P.S.- Sikarahata,
District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 27-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 28.10.2016 in
connection with Sessions Trial No. 104/17, arising out of Ara
Nagar P.S. Case No. 244/94 for offences punishable under
Sections 324/307/34, 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 his brother Prem Nath Choubey was going on his
motorcycle three miscreants fired on him, as revealed by Prem
Nath Choubey to his brother (informant), as a result he was
seriously injured and succumbed to the injuries while taking to the



hospital.

It has been submitted by the learned counsel for the petitioner that he is innocent and although named in the First Information Report, but was in active military service and on the date of occurrence he was at his work place. He submits that charges have been framed on 12.06.2017 and petitioner is ready to cooperate in the trial on day-to-day basis. He further submits that he is languishing in judicial custody since more than one year and another co-accused has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 39086 of 2017 on 20.09.2017.

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

Considering the facts and circumstances and the materials on record and in view of the fact that charges have been framed and petitioner undertakes to cooperate in the trial, 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 Chief Judicial Magistrate, Bhojpur at Ara, in connection with Sessions Trial No. 104/17, arising out of Ara Nagar P.S. Case No. 244/94, subject to



the conditions that :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in disposal of trial and make himself available as and when required by the court. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.

(Nilu Agrawal, J)

Rajesh/-

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