

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36481 of 2017

Arising Out of PS.Case No. -67 Year- 2017 Thana -NASRIGANJ District- SASARAM (ROHTAS)

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Data Ram Singh @ Data Ram Son of Kedar Singh Resident of Village-
Barna, P.S. Rajpur (Nasriganj), District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pandey

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
23.04.2017 in connection with Nasriganj (Rajpur) P.S. Case No.
67 of 2017 for offences punishable under Sections 384, 385, 386,
395, 307/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while on the orders of the Hon'ble Apex Court, the Bihar
State Building Construction Corporation Ltd. was doing
construction work, Zila Parshad Sudama Prasad along with his
wife Sushila Devi asked to stop the work. Thereafter the said
Sudama Prasad along with 8 other persons came in the night
variously armed with lathi, danda and rod, started assaulting the



labourers which injured them, then they also resorted to loot.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that general and omnibus allegation has been levelled against 8 accused persons including Sudama Prasad and his wife and other about ten unknown accused persons. He submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since more than six months.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that during investigation the petitioner was found to have assaulted the labourers and that the petitioner along with other co-accused have been an impediment of construction works as directed by the Hon'ble Apex Court and has also demanded Rangdari and committed assault and loot.

Learned APP for the State also 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 S.D.J.M., Bikramganj Rohtas in connection with Nasriganj (Rajpur) P.S. Case No. 67 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their 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.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (4) The petitioner will also appear before the concerned police station in the first week of every month till six months and mark his attendance, failing which, his bail bonds will be cancelled.

(Nilu Agrawal, J)

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