

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46751 of 2016

Arising Out of PS.Case No. -59 Year- 2014 Thana -KAJRA District- LAKHISARAI

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Rasgul Bind @ Rasguul Bind, son of Tetar Bind, Resident of Village-
Lakhana, P.S.- Kajara, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 17-04-2017 Heard both sides.

The petitioner Rasgul Bind apprehends his arrest in
Kajra P. S. Case No. 59 of 2014 registered for the offences under
Sections 341, 302, 307, 120B and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

The informant alleged that while he along with his
younger brother were returning their house after seeing the paddy
field, Subhash Yadav, Mukesh Yadav, Tanik Singh and 4-5
unknown persons surrounded them and on the order of Tanik
Singh, Subhash Yadav and Mukesh Yadav made indiscriminate
firing at his younger brother Birendra Singh and he fell down,
after that Tanik Singh also made firing at him and consequently
his brother died. On alarm, son of the deceased and other



villagers came but the accused persons fled away.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The name of the petitioner figured in the case in the confessional statement of the co-accused Mukesh Yadav. Except confessional statement of Mukesh Yadav, there is no material regarding the involvement of the petitioner. The informant made statement that firstly Mukesh Yadav and Subhash Yadav made indiscriminate firing on his brother and when he fell down, Tanik Singh fired and consequently his brother died. The informant did not make any sort of allegation against any other accused persons. Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent as stated in Para-3 of the petition.

Considering the facts that the petitioner is not named in the F.I.R. and the name of the petitioner figured in the confessional statement of the co-accused Mukesh Yadav, the informant made specific allegation against three person Subhash Yadav, Mukesh Yadav and Tanik Yadav who have fired causing death of his brother Birendra Singh, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned Chief Judicial Magistrate, Lakhisarai in Kajra P. S. Case No. 59 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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