

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13096 of 2017

Arising Out of PS.Case No. -38 Year- 2016 Thana -CHAURADANO District- EASTCHAMPARAN
(MOTIHARI)

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Shribhagwan Rai, son of late Brijkishore Rai resident of village
Kathariya (Nanka Tola), P.S. Lakhaura, District East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Anis Akhtar, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 18-03-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 16.11.2016 in connection with Chauradano P.S. Case No. 38 of 2016 for the offences alleged under Sections 147, 148, 149, 353, 307, 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated as he was not apprehended on the spot. Co-accused Kamlesh Sah @ Kamlesh Kumar Sah, who was apprehended at the place of occurrence, has since been granted bail by this Court in Cr. Misc. No. 31819 of 2016 and so also co-accused Pukar Rai @ Rampukar Rai, who is an FIR named accused, has been granted anticipatory bail by this Court in Cr. Misc. No. 43493 of 2016. It is improbable that the informant would have identified the petitioner in torch light when he is said to have been fleeing away. Apart from the confessional statement of co-accused Kamlesh Kumar Sah, there is no material to connect the petitioner with the alleged occurrence and no recovery of any incriminating articles has been made from his possession. The petitioner is on bail in respect of



only one case in which he has been made accused.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul District East Champaran in connection with Chauradano P.S. Case No. 38 of 2016 with the following conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/psc

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