

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15358 of 2017

Arising Out of PS.Case No. -228 Year- 2004 Thana -BALIA District- BEGUSARAI

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1. Ram Bilash Rai @ Ram Bilash Yadav Son of Sri Kamleshwari Rai, R/o
Village- Rajopur Kutormala, P.S.- Neema Chandpura, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 19-05-2017 Heard the parties.

This application is for grant of regular bail in connection with Balia P.S.Case No.228 of 2004 for the offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is accused in a case under Section 302 and other Sections of the Indian Penal Code and the allegation against the petitioner and other accused persons is of firing on the deceased and causing his death.

It is submitted on behalf of the petitioner that the petitioner and other two accused persons are said to have fired on the deceased, however, the post mortem report shows that there is only one injury on the person of the deceased. It is further submitted that the other co-accused persons have been acquitted after trial and the petitioner is in custody for more than three



months. Another co-accused having similar allegation has already been granted bail by this Court, vide order dated 19.4.2017 passed in Cr. Misc. No.10836 of 2017 and the charge has also been framed in this case.

Heard learned A.P.P. also.

Having heard both sides and in view of the fact that the other accused persons having similar allegation have already been granted bail by this Court, as such, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II, Begusarai in connection with S.T.No.889 of 2009.

With following conditions :

- (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 co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.
- (iv) In future, if his active participation is found in any similar type of case, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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