

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26414 of 2017

Arising Out of PS.Case No. -206 Year- 2015 Thana -BARAHIYA District- LAKHISARAI

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1. Raj Kishore Singh @ Kishore Kumar @ Kishore Singh Son of Shri Sambhu Singh, Resident of Village- Jaitpur, P.S.- Barahiya, District- Lakhisarai. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in custody since 08.11.2016 in connection with Barahiya P.S. Case No. 206 of 2015, G.R. No. 170 of 2015 for the offences alleged under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that F.I.R. named persons started chasing the informant and his brother Mohan Kumar (deceased) and resorted to indiscriminate firing on which his brother succumbed to the injury. It has been submitted by the learned counsel for the petitioner that the cause of incident is that judgment was to be being pronounced in Barahiya P.S. Case No. 129 of 2010, lodged against the deceased Mohan Kumar and it was probable that the deceased would be acquitted. Hence, the accused persons, named in the F.I.R., have committed the offence.

It has been submitted by the learned counsel for the



petitioner that he is innocent and not named in the F.I.R. and has falsely been implicated as his name surfaced during investigation. It has further been submitted that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and that the named accused have since been granted the privilege of bail by co-ordinate Benches of this Court in Cri. Misc. No. 18576 of 2016 on 02.05.2016 and Criminal Misc. No. 20787 of 2016 on 18.05.2016.

However, learned A.P.P. opposes the prayer of bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S. Case No. 206 of 2015, G.R. No. 170 of 2015 subject to the condition that the petitioner will appear on each and every date during trial before the learned court below and failure to appear on two consecutive dates without assigning any reasons will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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