

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26398 of 2017

Arising Out of PS.Case No. -256 Year- 2017 Thana -SAHARSA District- SAHARSA

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1. Rahul Kumar Jha Son of Surendra Kumar Jha, Resident of Village-
Muradpur, P.S. Nauhatta, District Saharsa, presently residing at Bampher
Chowk, Gangjala, Saharsa, P.S.+ District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Saharsa Sadar
P.S. Case No. 256/2017 for offences punishable under Section 394
of the Indian Penal Code.

The prosecution case, as lodged by the informant, who
works in IndusInd Bank, is that while he along with one Niraj
Kumar Singh, who is also a bank official, was going with Rs. 20
lakhs to deposit it in Axis Bank, two miscreants on one
motorcycle came and tried to snatch the bag and resorted to firing
in which one shot injured Niraj Kumar Singh and eventually he
succumbed to the injury.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and no overt act has been committed by the petitioner as he is a businessman and has not been identified in CCTV footage as the incident occurred in broad day light in the market. It is submitted that two of the co-accused persons, who were not identified in CCTV footage, have been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 24913 of 2017 and analogous case on 05.07.2017 and that the petitioner has been implicated only on the basis of suspicion.

However, learned APP for the State opposes the prayer for bail.

Be that as it may, 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 256/2017, subject to the conditions that :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.



- (iii) The petitioner shall cooperate in the disposal of trial and make themselves 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 reason, the prosecution is free to move for cancellation of his bail.
- (iv) If his active involvement is found in such type of cases in future, his bail bond shall be cancelled.

(Nilu Agrawal, J)

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