

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40279 of 2017

Arising Out of PS.Case No. -511 Year- 2015 Thana -MARHAURA District- SARAN

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1. Raju Singh @ Rajeev Kumar Singh Son of Ramdeo Singh, R/o Village-Tenua, P.S.- Marhawrah, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-08-2017 Petitioner is permitted to make correction in the first paragraph of this petition wherein Section 302 has been wrongly typed as Section 320 of the Indian Penal Code.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Sessions Trial No. 77 of 2017, arising out of Marhowrah P.S. Case No. 511 of 2015 for offences punishable under Sections 302, 120-B/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that he received information that his brother has been killed by three persons who had come on a motorcycle.



It has been submitted by the learned counsel for the petitioner that he is innocent, has been named in the First Information Report only on the basis of suspicion and was in custody since 19.12.2009, convicted on 17.08.2011 and sentenced for life on 24.08.2011 in connection with Sessions Trial No. 368 of 2010 arising out of Marhowrah P.S. Case No. 227 of 2009 and on the alleged date of occurrence i.e. 20.12.2015 he was in judicial custody. He submits that it is only on the confessional statement of one Ajay Rai that he has been made accused along with others only on suspicion. He submits that other co-accused, whose name surfaced during investigation, have since been granted privilege of bail by Coordinate Benches of this Court in Cr. Misc. No. 33911 of 2016 on 22.08.2016 and Cr. Misc. No. 17005 of 2016 on 26.05.2016. He further submits that the trial is going on and he undertakes to cooperate in the trial. He is languishing in custody in the present case since 13.01.2016.

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

Considering the facts and circumstances and the materials on record, 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 2nd Addl. Sessions Judge, Saran at Chapra, in connection with Sessions Trial No. 77 of 2017, arising out of Marhowrah P.S. Case No. 511 of 2015, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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