

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28263 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

=====

1. Rajesh Kumar Singh Son of Ram Badan Singh, Resident of Village-
Kukuraha, P.S.- Agiaon Bazar, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Smt. Sahin Begam

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 10/03/2017
in connection with Dehri (Dalmianagar) P.S. Case No. 59/2017 for
offences punishable under Sections 302/34 of the Indian Penal
Code and 27 of the Arms Act.

The prosecution case, as lodged by the father of the
deceased, is that one Innova vehicle came in which there were two
persons and when the persons sitting in the Innova vehicle started
to flee away the deceased along with his brother Vikash chased
them and the person wearing police uniform fired on the deceased,
who succumbed to the injury during course of treatment.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and is not named in the First Information Report. He submits that the witnesses have stated that the said vehicle was stolen by two unknown persons from one Surendra Saw and was being returned at Balu Ghat where the deceased was also working and after leaving the vehicle while the said accused persons were running away, the deceased chased them, on which the co-accused fired and since the deceased was in the front, it hit him. It is submitted that the incident occurred in the night and some of the witnesses have not seen the occurrence. It is further submitted that no T.I. Parade has been done so far and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is also submitted that his name surfaced on the confessional statement of co-accused Bipin Kumar Singh, who has been granted the privilege of bail by the learned court below itself and that petitioner has been made accused only on the basis of suspicion.

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

Considering the facts and circumstances and the



materials on record, let petitioner, above named, be enlarged on bail after completion of six months in jail custody from today on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Dehri, Rohtas, in connection with Dehri (Dalmianagar) P.S. Case No. 59/2017, 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, 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/-

U		T	
---	--	---	--

