

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35249 of 2017

Arising Out of PS.Case No. -88 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. RAJU SINGH RATHOUR @ SURENDRA NARAIN SINGH @
SURENDRA SINGH Son of Late Chetan Singh @ Chet Narain Singh, R/o
Village- Dhanhar Dihuli, P.S.- Ramgarhwa, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Smt. Sahin Begam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 16.12.2016 in
connection with Raxaul P.S. Case No. 88/2016 for offences
punishable under Section 307 and other allied Sections of the
Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he was in his field, the petitioner along with three other
accused persons came to his field, who were land grabbers, and
fired in the air. When his 17 year old daughter tried to take their
photograph she was assaulted.



It has been submitted by the learned counsel for the petitioner that he is innocent, not involved in the aforesaid offence and no overt act has been committed by him. He submits that just because he has a criminal antecedent, he has been made accused in the present case. He further submits that some of the co-accused named in the First Information Report have been granted privilege of bail by Co-ordinate Benches of this Court, one of them being Cr. Misc. No. 39657 of 2016 on 19.11.2016.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a veteran criminal and as many as 21 cases prior to the present case are pending against him and some for very serious offence.

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 Chief Judicial Magistrate, East Champaran at Motihari, in connection with Raxaul P.S. Case No. 88/2016, 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. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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