

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54492 of 2017

Arising Out of PS.Case No. -152 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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1. Rajesh Rai, S/o Ramashankar Rai, resident of Village- Shahpur, P.S.
Sheohar, District Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
04.01.2017 in connection with Dhaka P.S. Case No. 152 of 2016
arising out of Sessions Trial No. 896 of 2017 for offences
punishable under Sections 364, 365/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while his son, Om Prakash Soni was returning after closing
his cloth shop along with his nephew, Anshu Kumar by his
motorcycle, near the petrol pump 4-5 persons came down from a
white colour Scorpio car and pushed against his motorcycle and
forcibly took his son in the Scorpio and fled away. It is alleged
that cause of enmity is election dispute.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and the victim boy had not named the petitioner in his statement under Section 164 Cr.P.C. Charge-sheet has already been submitted and because of high handedness of the petitioner, he was arrested in Rajepur P.S. Case No. 136 of 2016 and remanded in the present case and thereafter, he was remanded in three more cases. He further submits that two of the co-accused have been granted bail by co-ordinate Bench of this Court in Criminal Miscellaneous No. 1431 of 2017 on 17.01.2017 and in Criminal Miscellaneous No. 12790 of 2017 on 16.03.2017.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner does not have a clean antecedent and as many as four cases are pending against him out of which some are of similar nature.

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 4th Additional Sessions Judge, East Champaran at Motihari, in connection with Dhaka P.S. Case No. 152 of 2016 arising out of S.T. No. 896 of 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. 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)

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