

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10624 of 2017

Arising Out of PS.Case No. -73 Year- 2016 Thana -BIHPUR District- BHAGALPUR

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Raj Kishore Rai @ Bilariya @ Jhotahua @ Jhotaha Son of Late Bachi Rai,
Resident of Village- Pakara, Police Station Naugachia, District Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 21-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Bihpur
(Jhandapur) P.S. Case No. 73 of 2016 registered for the offences
punishable under Sections 302, 120B, 414/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegedly, the elder brother of the informant, practicing
advocate at Naugachia, was returning by his car bearing
registration No. BR10W-1555 and the informant was also behind
him on motorcycle. After going at some distance one Xylo vehicle
dashed the car of his elder brother, on protest being made, four
accused persons, who were boarded on the Xylo vehicle, came out
and fired upon his elder brother and escaped away. Informant's
elder brother succumbed to the injuries and it is alleged that due to



political rivalry he was shot dead.

Submission is of false implication and that the petitioner is in custody since 25.03.2016, chargesheet has already been submitted and there is no allegation of tampering the prosecution witnesses, the petitioner is not named in the first information report and he has been made accused only on the basis of confessional statement and except the same there is no other material against the petitioner, there is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest his involvement in the present case. In this case other co-accused namely, Shubham Kumar Singh, Bikash Kumar, Dilip Singh and Nutan Rai have already been allowed bail by other co-ordinate Benches of this Court and as such the petitioner deserves sympathetic consideration. The case of the petitioner is on differing footing that of Rishav Kumar whose prayer of bail has been refused.

Learned APP submits that other co-accused have been allowed bail whereas prayer of bail of co-accused Rishav Kumar has been refused.

In the facts and circumstances stated above, considering that in the impugned order there is no other material besides confessional statement of the petitioner, the petitioner above



named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Naugachia in Sessions Trial No., 485 of 2016 arising out of BIhpur (Jhandapur) P.S. Case No. 73 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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