

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28879 of 2017

Arising Out of PS.Case No. -181 Year- 2015 Thana -HUSAINGANJ District- SIWAN

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Raushan Singh @ Raushan Kumar Singh Son of Jitendra Singh, Resident of Tulshi Nagar, Siwan, P.S.- Siwan Town, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-08-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Hussainganj P.S.
Case No. 181 of 2015 dated 25.07.2015 instituted under Sections
302/34 of the Indian Penal Code.

3. The petitioner is not named in the F.I.R. and only
later, on the statement of co-accused Vimal Kirti Singh before the
Court under Section 164 of the Code of Criminal Procedure, 1973,
though he was initially made a witness but subsequently has been
made accused.

4. Learned counsel for the petitioner submitted that even
from where the deceased is said to have gone i.e., the site at which



the construction was being made of his house and the statement of the labourers there as well as the statement of the informant, who is his mother, there are no named accused. It was submitted that the petitioner is said to have been accompanying the deceased along with three others on two different motorcycles and suddenly another co-accused Rishikesh Kushwaha is said to have fired at the deceased. Learned counsel submitted that the petitioner has neither been named as the assailant nor there is even an indication that the murder was pre-planned or about the petitioner being in any way even remotely involved with the incident. Learned counsel has also drawn the attention of the Court to order dated 17.03.2017 passed by a co-ordinate Bench of this Court in Cr. Misc. No. 1912 of 2017, by which the said accused Vimal Kirti Singh has been granted anticipatory bail. Learned counsel submitted that the petitioner having clean antecedent is pursuing his course of engineering at Mumbai.

5. Learned A.P.P., upon going through the case diary, does not controvert the submissions of learned counsel for the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in Hussainganj P.S. Case No. 181 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

P. Kumar

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