

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31346 of 2017

Arising Out of PS.Case No. -37 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. Bablu Paswan Son of Late Bangali Ram, Resident of Mohalla- Mauza
Raxaul, P.S.- Raxaul, 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, Aadvocate

For the Opposite Party/s : Mr. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-07-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner seeks bail in Raxaul P. S. Case No. 37 of
2016 registered for offences punishable under Sections 147, 148,
149, 341, 323, 324 and 307 of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case as lodged by the informant is that
while he was going towards Raxaul Bazar along with driver,
Sharukh Khan, nine persons named in the F.I.R. and four
unknown persons intercepted and started assaulting by means of
sword and knife and when driver came to save the informant, he
too was also badly assaulted and the petitioner came with fire arm



and fired by pistol, which misfired.

It has been submitted by the learned counsel that he is innocent and falsely been implicated in the aforesaid case and there are general and omnibus allegation against the petitioner. The special allegation against the petitioner is of firing which did not hit the informant or the driver, hence, no case under Section 307 of the Indian Penal Code is made against him. It is further submitted that the petitioner will co-operate with the investigation and there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul in connection with Raxaul P.S. Case No. 37 of 2016, subject to the conditions that one of the bailors would be a close relative of the petitioner and would have sufficient immovable property within the jurisdiction of the concerned Police station/



Court, who will file an affidavit showing his relationship with the petitioner and that the petitioner will appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds with a further condition that if the petitioner is found to have indulged in an offence of similar nature in future, the learned Court below will be at liberty to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

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