

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41668 of 2017

Arising Out of PS.Case No. -412 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Shyam Bihari Jee @ Shyam Bihari Rawani @ Bihari Rawani, S/o Shankar Rawani, Resident of Village- Jujharpur, P.S.- Goh, Dist.- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-09-2017 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is in judicial custody since 09.03.2017 in connection with Muffasil P.S. Case No. 412/16, for the offences punishable under Sections 147, 148, 149, 323, 341, 386, 435, 379 of the Indian Penal Code and sections 14, 16, 17, 18, 20, 38, 40 of U.A.P. Act and section 17 of the C.L.A. Act.

The prosecution case as lodged by the informant being working contractor of East Central Railway who undertook construction of bridge work at Paimar is that on 14.09.2016, twenty persons attacked on worksite and set fire to a number of equipments of the worksite and snatched Rs. 50,000/- from various persons. They had been received threatening calls for



deposit of 10% levy.

It has been submitted by the learned counsel for the petitioner that he is not named in the F.I.R. and has been falsely implicated. He submits that during course of investigation as many as thirty five persons have been named and on the confessional statement of co-accused Kamlesh Ram, the petitioner has been made accused in the present case. Charge-sheet has been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that the co-accused Kamlesh Ram has been granted privilege of bail by a Coordinate Bench of this court in Cr. Misc. No. 5585/2017 on 07.02.2017.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner is involved in one more case earlier for similar offence.

Considering the facts and circumstances and materials on record, let the petitioner named above, 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 Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 412/16, 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/court, 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 the cancellation of his bail bonds.

(Nilu Agrawal, J)

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