

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4595 of 2018

Arising Out of PS.Case No. -389 Year- 2017 Thana -KHAZANIHAT District- PURNIA

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1. Dhiraj Kumar Rai @ Singh @ Dhiraj Kr. Rai S/o Late Bisho Rai, R/o Village- Telgi Kharik Bazar, P.S.- Kharik, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 14-03-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with K. Hat (Sahayak) P.S. Case No. 389 of 2017 arising out of CIS No. 785 of 2017 registered under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Two unknown miscreants are said to have opened fire upon the informant which hit his shoulder in his pathology centre.

It is submitted by learned counsel for the petitioner that the petitioner is neither named in the First Information Report nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. He has no



concern with the aforesaid occurrence and has been falsely implicated in this case. Injury sustained by the petitioner is not on vital part. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring confessional statement of co-accused and that of the petitioner recorded by the police which has no evidentiary value in the eye of law. He has been languishing in custody since 26.08.2017. Similarly situated co-accused namely, Md. Meraz Rashid @ Meraj @ Md. Meraj Rasid has been enlarged on bail vide order dated 14.12.2017 passed in Cri. Misc. No. 59060 of 2017 by a co-ordinate Bench of this Court.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Purnea in connection with K. Hat (Sahayak) P.S. Case No. 389 of 2017 arising out of CIS No. 785 of 2017.

(Prakash Chandra Jaiswal, J)

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