

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41467 of 2018

Arising Out of PS.Case No. -131 Year- 2014 Thana -BELSAND District- SITAMARHI

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Rahul Singh @ Rahul Kumar Singh S/o Late Ram Rekha Singh, R/o Vill.-
Dumari Baiju, P.S.- Patahi, Distt.- East Champara.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
27.03.2018 in connection with Belsand P.S. Case No. 131 of 2014
for offences punishable under Sections 302 and 201 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that his brother used to stay separately in a hut near the river and
was earning his livelihood through fishing. He got information
that some unknown persons have killed his brother. The body of
the informant's brother was found lying in the paddy field.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been made accused only on



suspicion. He submits that during investigation, it has been found out that the deceased was an informer of Maoist group and because of that he has been killed by the petitioner and others which is only on suspicion, there is no substantial evidence to the said killing and there is no eye witnesses to the alleged occurrence. He submits that some of the co-accused have since been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 21398 of 2017 on 03.05.2017 and Cr. Misc. No. 2617 of 2018 on 15.01.2018 and just because the petitioner has criminal antecedent, he has been made accused in the present case.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as seven cases are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Additional Chief Judicial Magistrate-1st, Sitamarhi in connection with Belsand P.S. Case No. 131 of 2014, subject to the conditions that:

- (1) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

- (2) 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 cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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