

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15022 of 2018

Arising Out of PS.Case No. -547 Year- 2017 Thana -DANAPUR District- PATNA

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Chotu Kumar, son of Haricharan Rai, resident of Mohalla Naya Tola,
Saguna, P.S. Danapur, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nutan Mishra

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
08.11.2017 in connection with Danapur P.S. Case No. 547 of 2017
for offences punishable under Sections 147, 148, 149, 341, 323,
302/120-B 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 on a morning walk with his brother Kedar Rai
(deceased) and son Raj Ballabh Rai, 22 persons on motorcycle and
on foot armed with weapons and guns, shot at his brother and also
assaulted the informant by butt of pistol, as a result his brother
succumbed to the injury during course of treatment.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report, 22 persons and 4-5 unknown persons have been made accused in the First Information Report and specific allegation of inflicting fire arm injury is upon co-accused Prem Ratan Rai and Arjun Rai. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. It is further submitted that some of the co-accused, named in the First Information Report, have been granted privilege of bail by coordinate Benches of this Court, one of them being Cr. Misc. No. 50514 of 2017 vide order dated 14.11.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the fact that the petitioner does not have any criminal history, 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 Addl. Chief Judicial Magistrate, Danapur, Patna, in connection with Danapur P.S. Case No. 547 of 2017, 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)

Rajesh/-

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