

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41447 of 2018

Arising Out of PS.Case No. -257 Year- 2017 Thana -BASANTPUR District- SIWAN

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1. Rahim Hussain son of Mokhtar Miya, resident of Village- Khorampur,
P.S.- Mahammadpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-07-2018

Heard the learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks bail in connection with S.Tr. No. 598/2017, arising out of Basantpur P.S. Case No. 257/2017 for offences alleged under Sections 302, 120(B), 436, 449, 450, 458 and 460 of the Indian Penal Code read with Sections 25(1-b)a, 26 and 27 of the Arms Act as well as Sections 3 of the Explosive Substance Act.

The prosecution case, as alleged by the informant, is that while she along with her daughter and son were sleeping at night, at about 2 P.M., she heard a sound of firing and found the F.I.R. named accused persons armed with weapons were coming out from the room of her son, who was found dead.

It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the F.I.R. His name



surfaced during the course of investigation. He further submits that several co-accused named in the F.I.R. and also similarly situated co-accused persons, as that of the petitioner, have been granted the privilege of bail by co-ordinate Benches of this Court in Cr. Misc. No. 54761/2017 vide order dated 17.11.2017 and Cr. Misc. No. 20805/2018 vide order dated 09.04.2018. Further it has been submitted that the petitioner is alleged to be one of the conspirators but several co-accused have been named by the informant in her F.I.R. Further, the petitioner is languishing in judicial custody since 26.09.2017 and undertakes to co-operate in the trial on day to day basis.

Learned APP for the State, however, opposes the prayer for bail.

Considering the aforesaid facts and material 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 Sessions Judge 1st, Siwan, in connection with Sessions Trial No. 598/2017, arising out of Basantpur P.S. Case No. 257/2017, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear



before the trial court as and when required
and failure to appear on two dates without
assigning reasons will entail cancellation
of his bail bonds.

(Nilu Agrawal, J.)

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