

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50331 of 2018

Arising Out of PS. Case No.-87 Year-2015 Thana- JAMOBABAZAR District- Siwan

Sri Ram Singh S/o Late Saya Narayan Singh, Resident of Village- Talimpur,
P.S. Jamo Bazar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-11-2018 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel appearing for the
informant.

Petitioner had earlier moved for bail, which was
rejected vide order dated 25.05.2016, passed in Cr. Misc. No.
14300 of 2016.

Petitioner is languishing in judicial custody since
18.09.2015 in connection with Sessions Trial No. 162 of 2016,
arising out of Jamo Bazar P.S. Case No. 87 of 2015 for
offences punishable under Section 302 and other allied
Sections of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that while she had accompanied her husband to their under



constructed house, three persons including the petitioner threatened them to withdraw the pending case against them and fired which hit the informant's husband, who succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, there is general and omnibus allegation against this petitioner, there is only one fire-arm injury found on the head of the informant's husband and the informant in her statement has named other co-accused Lalan Singh of firing on the head. He submits that there was a civil dispute and criminal case pending between the parties and the deceased was the brother of the petitioner. It is further submitted that one of the co-accused on similar allegation has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 2659 of 2018 vide order dated 13.02.2018, which is Annexure-4 to this application and petitioner undertakes to cooperate in the trial on day-to-day basis.

However, learned counsel for the informant opposes the prayer for bail stating therein that four injuries have been found on the person of the deceased and the police has recovered the empty cartridges at the place of occurrence and



also one gun and one revolver was recovered. He further submits that only two official witnesses are left to be examined and the trial is at a final stage.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the period of custody and that under similar circumstances another co-accused has already been granted the privilege of bail, 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 A.D.J. VIth, Siwan, in connection with Sessions Trial No. 162 of 2016, arising out of Jamo Bazar P.S. Case No. 87 of 2015, subject to the following conditions :

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.



3. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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