

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63304 of 2017

Arising Out of PS. Case No.-232 Year-2015 Thana- BALIA District- Begusarai

Rakesh Kumar Singh @ Rakesh Kr. Singh @ Tipna, Son of Late Udai Shankar Singh, Resident of Village-Sadanandpur, Ward No.5 P.S.-Ballia, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner is languishing in judicial custody since 02.11.2017 in connection with Ballia P.S. Case No. 232 of 2015 for offences punishable under Sections 302/34 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 in his shop one Ramanand Prasad Singh, named in the F.I.R., along with another came and fired on his father, who succumbed to the injury.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information



Report and the informant also in his statement under Section 164 Cr.P.C. has contradicted the contents of the First Information Report. He submits that his name surfaced on the statement of one Dinesh Prasad Singh, who has not seen the occurrence. He further submits that charge-sheet has already been submitted, there is no allegation of tampering with the prosecution witnesses by the petitioner and he has been implicated only on the basis of suspicion.

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

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 Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 232 of 2015, subject to the following conditions :

- (i) 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.
- (ii) 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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