

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15026 of 2018

Arising Out of PS.Case No. -73 Year- 2017 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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Abdullah, son of Hasnain @ Sufi, resident of village Murgiya Tola, P.S.
Ramgarhwa, District East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @ Sonu Babu

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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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 seeks bail in connection with Ramgarhwa
P.S. Case No. 73 of 2017 for offences punishable under Sections
302, 120-B of the Indian Penal Code and Sections 25(1-b) a, 26,
27, 35 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he was along with his father and brother-in-law was
going near Ibrahim's house he found some persons conspiring.
Thereafter about 14 persons assembled and fired on his father,
who succumbed to the injury. The cause of enmity is that six
months back his uncle had been killed by co-accused named in the
First Information Report, for which Ramgarhwa P.S. Case No. 124



of 2016 had been lodged, to which they were trying to compromise.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that general and omnibus allegations have been levelled against him, informant is not the eye-witness and some of the co-accused have either been granted privilege of pre-arrest bail or regular bail by coordinate Benches of this Court, some of them being Cr. Misc. No. 45381 of 2017 dated 17.10.2017 and Cr. Misc. No. 7290 of 2018 dated 07.02.2018. He submits that charge-sheet has already been submitted and petitioner is languishing in judicial custody since 22.11.2017.

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 Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari, in connection with Ramgarhwa P.S. Case No. 73 of 2017, subject to the conditions that:



- (1) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (2) The petitioner will not induce any witness or tamper with the evidence.
- (3) The petitioner shall cooperate in the disposal of trial and made himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Nilu Agrawal, J)

Rajesh/-

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