

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.135 of 2019

Arising Out of PS. Case No.-734 Year-2018 Thana- SONEPUR District- Saran

Chandradeo Rai, aged about 68 years, male, Son of Punkal Rai, resident of village- Shankarpur, Police Station- Shahpur, Distt. Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai
For the Opposite Party/s : Mr. Ramchandra Sahani

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 28-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Sonpur P.S. Case No. **734 of 2018** registered for the offence punishable under Sections 147, 148, 149, 307 (A), 302 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged that on 19.07.2018 while he along with Rajesh Mahto, Suraj Kumar, Ramlal Singh, Dilip Singh and boat owner Raj Kumar Rai were fishing in the Ganga river, the accused persons as named in the F.I.R. came on another boat armed with rifle and gun and started demanding fish and Rs.10,000/- as extortion which was not given, then Amrendra Kumar and his associates made indiscriminate firing causing injury to the informant and his companion but boat owner Raj Kumar Rai could not take away the boat from the



river. The informant and others were brought at Referral hospital, Sonpur for treatment where Dilip Singh was declared dead and rest were referred to P.M.C.H., Patna for better treatment.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has further been submitted that there is no allegation of any overt act against the petitioner and he has been made a scapegoat. Petitioner has got no criminal antecedent and is in custody since 21.10.2018.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that after **six months in custody**, the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional **Chief Judicial Magistrate, 1st**, Chapra, District, Saran in connection with Sonpur P.S. Case No. **734 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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