

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5080 of 2019

Arising Out of PS. Case No.-277 Year-2018 Thana- DHAKA District- East Champaran

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RAUNAK KUMAR @ BITTU aged about 23 years gender Male, s/o Brajesh
Kumar Shahi Resident of Village- Nayagaon, P.S.-Aurai, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Babita Kumari
For the Opposite Party/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 06-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Dhaka P.S. Case No. 277 of 2018** registered for the offence punishable under Sections 353, 332, 324, 325, 307, 120B/34 of the Indian Penal Code and 25(1-B)a, 26 and 27 of the Arms Act.

Informant who is a police constable in his written report addressed to the SHO of Dhaka P.S has alleged that on 16.07.2018 he had brought altogether 21 prisoners from Central



Jail, Motihari to produce in Dhaka Sub Division Court, in which one of the accused was Abhishek Jha of village Dumari. At about 12:15 pm prisoner Abhishek Jha desired to attend the call of nature, then he was sent under proper custody of two constables and as soon as they arrived at main gate, prisoner Abhishek Jha took out chilly powder and threw on the face of informant and began to flee away with Hathkadi but he did not leave the rope, then three to four unknown miscreants with intention to kill the informant came and made firing. However, the Informant saved himself but the firing hit into the waist of prisoner Abhishek Jha and he fell down. The miscreants were chased but they succeeded to flee away. In the meantime one of the miscreants threw the pistol on the head of constable Birendra Singh as a result of which he sustained head injury and the miscreants managed to flee away with the motorcycle towards main road.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on suspicion. Petitioner is not named in the FIR. Petitioner has not been put on TIP till date. No incriminating material has been recovered from the possession of the petitioner. It has been submitted on behalf of the petitioner that the name of the



petitioner has surfaced in this case on the basis of confessional statement of co-accused Kundan Kumar Jha and Bal Mukund Jha. Petitioner is in custody since 31.07.2018.

Considering the aforesaid facts and circumstances of the case, let 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 **Sub Divisional Judicial Magistrate-Sikarhana**, in connection with **Dhaka P.S. Case No. 277 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/her absence on two consecutive dates without sufficient reason, his/her 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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