

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9970 of 2019

Arising Out of PS. Case No.-202 Year-2018 Thana- JANDAHA District- Vaishali

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KAMLESH RAI aged about 45 years (M) S/o Late Santlal Rai village-
Mahisaur, P.S-Jandaha, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha

For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 19-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Jandaha P.S. Case No. 202 of
2018 registered for the offence punishable under Sections 302,
120B, 506/34 of the Indian Penal Code and Section 27 of the
Arms Act.

Informant has alleged that on the order of co-accused
Ram Babu Sahani, Abhay Kumar and Jai Shankar Chaudhary
indiscriminately fired at his brother as a result of which, he
died.

It has been submitted on behalf of the petitioner that he
is innocent and has been falsely implicated in this case.
Petitioner is not named in FIR and his name has surfaced in this
case on the confessional statement made by the co-accused, Jai
Shankar Chaudhary and except said confessional statement,



there is no any other incriminating material against the petitioner. Similarly, situated co-accused persons have been granted anticipatory bail as contained in Annexure- 2, 3 and 4 and one Sanjeet Kumar has been granted regular bail by a co-ordinate Bench of this Court vide order dated 23.01.2019 passed in Cr. Misc. No. 3137 of 2019. Petitioner has got no criminal antecedent and is in custody since 31.08.2018.

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 Additional Chief Judicial Magistrate, XI, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 202 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)

Sanjay/-

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