

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19829 of 2019

Arising Out of PS. Case No.-93 Year-2018 Thana- THARTHARI District- Nalanda

RAJEEV PRASAD @ RAJEEV, aged about 36 years (Male), Son of Bindeshwar Gope, Resident of Village- Atwal Chak, Police Station- Tharthari, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr.Atul Chandra (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-04-2019 Heard learned counsel for petitioner, learned counsel
for the informant and learned counsel for the State.

Petitioner, who is in custody, seeks bail registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Sections 27 of the Arms Act.

Informant has alleged in his written complaint that on 10.09.2018 at about 8:00 P.M., his son was sitting at the door when FIR named accused including petitioner came and thereafter they started abusing and allegation against petitioner is that he caught hold of his son and there is specific allegation against accused Rajesh Kumar and Dharmpal Kumar of firing at his son which hit his chest and right arm and he died on the spot.



It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. There is no any allegation of firing against him. He is in custody since 10.01.2019 and is accused in one more case as disclosed in para 3 of this petition.

Counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Tharthari P.S. Case No. 93 of 2018, subject to 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 Court and his absence on two consecutive dates without sufficient reasons, 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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