

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68468 of 2018

Arising Out of PS. Case No.-159 Year-2016 Thana- MAJORGANJ District- Sitamarhi

Rakesh Kumar Singh Son of late Nagendra Singh R/o Village- Madhopur
Mejorganj, P.S. Mejarganj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 08-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved this Court for grant of
bail in Cr. Misc. No. 42810 of 2017, which was rejected vide
order dated 09.11.2017.

Petitioner is languishing in judicial custody since
20.11.2016 in connection with Mejarganj P.S. Case No. 159 of
2016 for offences punishable under Sections 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he was at the construction site three persons in a
motorcycle came and asked for the Munshi and when the
Munshi Dharamvir Singh came all the three persons made
indiscriminate firing on him, as a result he succumbed to the



injury. They also stuck a note of Kshatriya Sangathan Fauz.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and his name surfaced on the information received by the Investigating Officer through the spy. He submits that due to previous enmity the petitioner has been made accused and is languishing in judicial custody for more than 2½ years. He further submits that no T.I. Parade has been done so far, trial has not yet commenced and other co-accused on similar allegations have been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 45040 of 2017 vide order dated 21.09.2017 and Cr. Misc. No. 21602 of 2018 vide order dated 18.04.2018.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and is member of a gang demanding rangdari.

Considering the nature of allegations, period of custody and the fact that there is no substantial material against the petitioner, 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 Addl. Chief Judicial Magistrate-I, Sitamarhi, in connection with



Mejarganj P.S. Case No. 159 of 2016, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
3. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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