

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20563 of 2019

Arising Out of PS. Case No.-370 Year-2017 Thana- DIGHA District- Patna

Niraj Kumar @ Fataлки (Male aged about 21 years), Male, Son of Late Birendar Paswan, Resident of Mohalla - Ramjee Chuk, P.S.- Digha, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-05-2019

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302/34/120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Informant is sister-in-law of the deceased who in her fardebyan has stated that she was in her house along with her mother when at about 1.30 p.m., his brother-in-law – deceased Ramesh Kumar @ Chotaka Makhan came along with one of his associates who, thereafter, returned. Thereafter, accused Ravi Rai and Niraj Kumar (petitioner) entered the house with pistol and started abusing his brother-in-law. It is further alleged that Ravi Rai fired upon the forehead of the deceased and, thereafter, it is alleged that petitioner also fired upon his neck and,



thereafter, they fled away. His brother-in-law was brought to hospital where he was declared dead.

It has been submitted on behalf of the petitioner that earlier also, petitioner had moved this Court for grant of bail which was dismissed by order dated 11.02.2019 as contained in Annexure 1 with a liberty to the petitioner to renew his prayer after framing of charge. It has further been submitted that during investigation, statement of wife and mother of the deceased was recorded and mother was present at the place of occurrence but none of them has named petitioner as one of the assailants. Petitioner has no criminal antecedent except one as detailed in paragraph no.3 of this petition. Petitioner is in custody since 13.11.2017.

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 court below where the case is pending in connection with S. Trial Case No.433/2018 arising out of Digba P.S. Case No. 370/2017, 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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