

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31032 of 2019

Arising Out of PS. Case No.-639 Year-2017 Thana- SAHARSA District- Saharsa

PAWAN RAJAK Son of Hero Rajak Resident of Mohalla- New Colony, Ward
No. 8, Behind Water Tanki, P.S. and Ditriect- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate.
For the informant	:	Mr. Sameer Ranjan, Advocate.
For the State	:	Mr. Anish Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 12-07-2019 Heard learned counsel for the petitioner, counsel for
the informant and the State.

The petitioner seeks bail in **Saharsa P.S. Case No. 639 of 2017**, instituted for the offence under Section(s) 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Counsel for the petitioner submits that earlier prayer for bail of the petitioner was rejected by coordinate Bench of this Court vide order dated 8.3.2018 passed in Cr. Misc. 3483 of 2018 with direction to the court below to conclude the trial within one year.

Report was called for from the court below which has been received. From the report it appears that trial has not



commenced. The case is at the stage of appearance.

In the written report it is alleged by the informant that he went on the upper floor for taking meal. He heard sound of abuse and came down from the upper floor and saw from the stair that co-accused Gaurav Kumar, Nirav Kumar and Bobby Kumar as mentioned in the written report armed with pistol were trying to kill his father. It is further alleged that co-accused Monu Rajak and this petitioner ran towards him. The informant fled away towards upper floor of the house and tried to lock the gate. In the meantime, co-accused Gaurav Kumar and petitioner opened fire on father of the informant, Mahendra Prasad Singh. The informant locked the gate and saw from backside of his house that mother of accused Gaurav Kumar and 5-6 unknown persons were trying to break the lock from inside. The informant raised alarm then police came and accused persons fled away.

Counsel for the petitioner submits that Gaurav Kumar with similar allegation has already been granted bail by this Court vide order dated 4.7.2019 passed in Cr. Misc. 22045 of 2019.

Counsel for the informant has appeared and opposed the prayer for bail.



Petitioner is in custody since 2.11.2017 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released 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 Chief Judicial Magistrate, Saharsa**, in connection with **Saharsa P.S. Case No. 639 of 2017**, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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