

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 51097 of 2019

Arising Out of PS. Case No.-210 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Rais Sai @ Rayees Sain, aged about 22 years, sex – male, S/o Late Mainuddin Sai R/o Mohalla- Khurmabad, P.S.- Siwan Mufassil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 23-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Siwan Mufassil P.S. Case No. 210 of 2018 registered for the offence under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in brief is that on 23-04-2018, the informant (Choukidar), in course of patrolling, got an information that a dead-body of unknown person soaked with the blood was lying and thereafter, he reached there and found the dead body aged about 40 years, who was shot by gun.

It was submitted on behalf of petitioner that petitioner is not named in the F.I.R. and his name has come on the confessional statement of co-accused Krishna Chauhan, who has already been granted bail by this Hon'ble Court, vide order



dated 25-01-2019 passed in Cr.Misc. No. 75332 of 2018 (Annexure – 2). It was further submitted that there is no eye-witness to the said occurrence and save & except confessional statement, there is nothing against the petitioner. T.I.P. has also not been held. Petitioner is in custody since 06-06-2018.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner 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 C.J.M., Siwan in connection with Siwan Mufassil P.S. Case No. 210 of 2018 on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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