

Arising Out of PS. Case No.-660 Year-2019 Thana- TURKAULIYA District- East Champaran

... .. Petitioner/s

THE STATE OF BIHAR

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Rabindra Kumar, APP

2 22-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, three unknown miscreants fired upon the husband of informant on his right arm and back portion, as a result of which he died.

Learned counsel appearing for the petitioner submits that petitioner is not named in the FIR. The name of petitioner has come in this case during the course of investigation in the confessional statement of co-accused, Rakesh Sahni @ Rakesh Kumar, who has already been granted bail by a co-ordinate Bench of this court vide order dated 28.02.2020 passed in Cr. Misc. No. 11642/ 2020. It is submitted that this petitioner has not been put on Test Identification Parade and there is no circumstantial evidence to suggest complicity of this petitioner in the aforesaid crime. Petitioner claims clean antecedent and is



in custody since 30.01.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya (Raghunathpur O.P.) PS case No. 660/2019 on the following conditions:-

(1) 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 on his/ her absence on two consecutive dates without sufficient reason, his/her 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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