

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32329 of 2015

Arising Out of PS.Case No. -258 Year- 2015 Thana -BIHTA District- PATNA

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1. Mukesh Kumar S/o Raj Ballabh Singh Resident of Village Lakhan Tola,
P.S. Bihta, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 06-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Bihta P.S.
Case No. 258 of 2015 registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act and 3(2)(v) of the SC/ST (Prevention of Atrocities) Act,
1989..

Allegedly the petitioner during Chaita Programme
opened fire which hit on the head of the son of the informant
resulting he sustained serious injuries with bleeding and thereafter
he was brought to P.M.C.H., Patna by the villagers but he died.

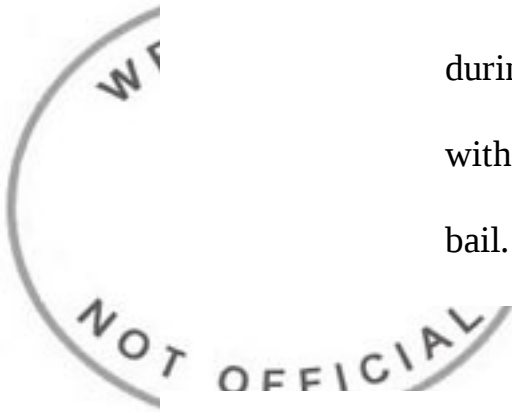
Submission is of false implication and that in this case
After investigation chargesheet has been submitted under Section



304 IPC, 27 of the Arms Act and Section 3(2)(V) of the SC/ST Act, the informant is not eye witness and similarly other witnesses are also here-say. One witness Vinod Paswan in para-31 has stated that the petitioner being excited took the pistol from one unknown person and opened fire which hit in the hand of the petitioner and that bullet hit the head of the deceased and, as such, there was no intention to commit murder of the deceased. Doctor who has examined the petitioner has also been examined in para-40 of the case diary and, as such, the petitioner suffering in custody since 28.04.2015, deserves sympathetic consideration to which the learned Special P.P. fairly submits that the informant and other witnesses are not the eye witnesses and independent witness Vinod Paswan has stated otherwise.

In the facts and circumstances stated above, considering that the chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned S.D.J.M., Danapur, Patna arising out of Bihta P.S. Case No. 258 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable

property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.



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(Jitendra Mohan Sharma, J)