

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41049 of 2015

Arising Out of PS.Case No. -287 Year- 2014 Thana -BRAHMPUR District- BUXAR

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1. Saroj Tiwary @ Saroj Tripathi S/o Triloki Nath Tripathi Resident of Village Belaury, P.S. Shahpur, District Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 07-10-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 147,148,149,324,326,429,307 and 302 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case is that co accused Ravindra Mishra alias Kuber Mishra fired from his rifle causing injury to the son of the informant namely Pradip Yadav, thereafter Vivek Mishra fired from his rifle causing injury to Niraj Yadav. Both the injured persons succumbed to the injury. Thereafter, 21 accused persons variously armed including the petitioner came and resorted to firing causing

injury to Sanjay, Maksudan, Mantu, Jitesh and Dhanraj yadav. A cow also died due to firing made by Abhishek Mishra at the door of Sri Nivas Yadav. The injured persons have alleged the act of firing against co accused Shashi Shankar Mishra, Santosh Mishra, Rupesh Mishra, Nitesh Mishra alias Golden Mishra and Mukesh Mishra alias Bodar.

It is submitted by the learned counsel for the petitioner that the petitioner was simply a member of the mob as the specific accusation of firing and causing death of Pradeep and Niraj have been alleged against Ravindra and Vivek whereas other six persons alleged to have caused injuries to five injured persons and one cow. It is further submitted that other similarly situated accused persons have been granted regular bail vide Cr. Misc. No. 7996 of 2015, 10048 of 2015 and others. The petitioner is accused in one other case in which he is said to be on bail.

Considering the aforesaid facts, this court sees no reason for the learned court below not to consider of the prayer for regular bail of the petitioner in case the petitioner surrenders within six weeks from today in connection with Brahmpur P.S. Case No. 287 of 2014 pending in the court of learned CJM, Buxar.

This application is disposed of with the



aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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