

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45068 of 2014

Arising Out of PS.Case No. -159 Year- 2014 Thana -GOPALGANJ CITY District- GOPALGANJ

Munna Mishra, S/o Mangal Mishra, Resident of Village - Bhitbherwan,
P.S. - Gopalganj, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Advocate

For the Opposite Party/s : Mr. A.Dayal(APP)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-02-2015

Heard both sides.

The petitioner seeks bail in a case registered for the offences under Section 302 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant, father of the deceased, alleged that while he and his son Rustam Ali was returning after *Milad* along with his sons Meraj Ali and Sohrab Ali, accused persons, namely, Sangram Rai @ R.K. Rai, Manoj Singh, Sunil Mishra and Munna Mishra, the petitioner, caught hold of Rustam Ali and on the order of Sangram Rai, Manoj Singh fired on the chest of Rustam Ali. Rustam Ali died on the spot.

Learned counsel for the petitioner submits that son of the informant alleged that Sunil Mishra fired at his father. He is

also one of the witnesses to the occurrence. There is a contradiction in the evidence of the eye-witness, but nobody had stated that the petitioner is the assailant of the deceased. The only allegation against the petitioner is that he caught hold of the deceased before firing was made.

Considering the fact that the petitioner is not the assailant of the deceased and the petitioner has remained in jail since 2.8.2014, the petitioner, named above, is directed to be enlarged on bail on furnishing bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj P.S. Case No.159 of 2014.

(Prabhat Kumar Jha, J)

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