

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32465 of 2014

Arising Out of PS.Case No. -88 Year- 2012 Thana -BUXAR INDUSTRIAL District- BUXAR

Shiv Mangal Dubey, son of Late Hanuman Dubey,
Resident of Village-Purainia, P.S.-Sikroul, Distt.-Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. S.Ehteshamuddin, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 03-03-2015 Heard learned counsel for the petitioner and the learned
counsel for the State.

The petitioner is in custody since 22.1.2013 in connection with Sessions Trial No.172 of 2013, arising out of Buxar (Ind) P.S. Case No.88 of 2012 registered for the offence under Sections 364, 34,302 of the Indian Penal Code.

The present case has been lodged at the instance of one Sandeep Shukla, uncle of the deceased, who had gone missing and subsequently he was found dead.

Learned counsel for the petitioner submits that though it is stated in the F.I.R. that the petitioner and the deceased had gone out together, it was one Manendra Shukla, who had participated in the occurrence and it was he who had, in fact, fired at the deceased leading to his death. It is stated that only because the petitioner was last seen with the deceased, he has been languishing in jail though there is no cogent material in the case diary to connect the petitioner with the present occurrence.

Learned counsel for the State submits that the name of

other accused persons have been taken by said Manendra Shukla, but the petitioner has not been attributed any particular role in the offence.

Learned counsel for the petitioner has produced copy of the order passed in Cr.Misc. No.4242 of 2013, in which vide order dated 8.2.2013, other co-accused person, namely, Sandip Choubey @ Chintu, has been extended the privilege of bail. Similarly, one Sonu Tiwari has also been extended the privilege of bail in Cr.Misc. No.36956 of 2013, vide order dated 25.3.2014.

Considering the fact that other co-accused persons have been extended the privilege of bail and the petitioner has been languishing in jail for more than two years, let the above named petitioner be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st, Buxar, in connection Sessions Trial No.172 of 2013, arising out of Buxar (Ind) P.S. Case No.88 of 2012.

(Anjana Mishra, J)

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