

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42140 of 2015

Arising out of PS.Case No. -18 Year- 2008 Thana -LAKHISARAI District- LAKHISARAI

Mahesh Singh, Son of shri Bhedo Singh, resident of Village- Mohanpur,P.s
Piparia, Dist-Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ram Niwas Prasad, Advocate.

For the Opposite Party : Mr. Gopesh Kumar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 09.07.2015
in connection with Sessions Trial No. 442A of 2014, arising out of
Lakhisarai P.S. Case No. 18 of 2008 for the offences instituted
under Sections 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 11.01.2008 at
about 6.00 P.M., after distribution of Kerosene Oil, he alongwith
his brother Jai Ram Sharma (deceased) was slipping at his *Dalan*
and he also slipping along with his father on another *Dalan* and
that on night at about 11.45-12 P.M. heard the sound of firing,
then after heard of sound for firing he reached there where he
found his elder brother was died and blood was oozing from his
head. It appears that his brother was died on close range of the
firing on his head due to death. It is further alleged that he did not

claim anyone who fire on his brother and also suspected some unknown criminal has fired on his brother.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.07.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner is not named in the FIR. There is no direct or indirect evidence against the petitioner nor there is any circumstantial evidence to suggest his implication in the present case. The other co-accused have been granted bail by this Court vide Annexure-2 series to the present application.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioner above named is directed to 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 the learned Ad-hoc Additional Sessions Judge, Vth, Lakhisarai, in connection with Sessions Trial No. 442A of 2014, arising out of Lakhisarai P.S. Case No. 18/2008.

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(Sudhir Singh, J)