

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40115 of 2015

Arising Out of PS.Case No. -1049 Year- 2014 Thana -SITAMARHI District- SITAMARHI

1. Md. Chand S/o Md. Zimman Resident of village - Dumma, P.S.
Tariyani, District - Shivhar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Arun Kumar Pandey (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner is in custody in a case registered under
Sections 394, 302/34 of the Indian Penal Code.

It is alleged in the fardbeyan that on 30.12.2014 at
about 7.30 P.M. the informant along with his brother was coming
at his house at Pratap Nagar after closing his shop on his
motorcycle. His elder brother Munindra Kuamr was sitting on
pillion seat. When he reached in a lane, three persons on a
motorcycle came and began opening fire recklessly on his brother
and his brother sustained injuries and fell down. The informant
also fell down. Thereafter two persons got down from the
motorcycle and again fired upon his brother and also snatched

away the bag containing cash Rs. 45,000/- and mobile sets amounting to Rs. 3 lacs and fled away towards railway line. The injured was brought to the clinic for treatment.

On behalf of the petitioner it has been submitted that the petitioner has got no criminal antecedent. The petitioner is in custody since 19.3.2015. Charge sheet has been submitted in this case. There is no allegation of tampering with the evidence against the petitioner. The petitioner is not named in the FIR. He has not been put on T.I. parade. The petitioner has been made accused due to mistake of fact. Other co-accused have been granted bail vide Cr. Misc. No. 45419 of 2015 and Cr. Misc. No. 19590 of 2015.

On behalf of the State, it has been submitted that the petitioner is not named in the FIR and his name has come in course of investigation.

Considering the facts aforesaid, let above named petitioner 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 learned C.J.M., Sitamarhi in Sitamarhi P.S.Case No. 1049 of 2014.

(Sudhir Singh, J)

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