

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16161 of 2016

Arising Out of PS.Case No. -790 Year- 2015 Thana -SITAMARHI District- SITAMARHI

1. Binay Kumar S/o Bechhan Singh, resident of Mohalla- Khairvi, P.S.-
Bathnaha, District- Sitamarhi.

.... 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. Ajit Kumar (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 06-05-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Sections-302/34 of the Indian Penal Code and 27 of the Arms
Act.

Petitioner is not named but in course of investigation,
name of the petitioner came in this case in confessional statement
of co-accused and after that, two witnesses at paragraphs-240 &
241 of the case diary stated that prior to the alleged occurrence,
the petitioner and some others had given threatening to the
deceased.

The learned court below has committed error in impugned
order mentioning that at paragraph-241 of the case diary, the

petitioner has been shown as assailant. Moreover, The petitioner does not have any criminal antecedent and is languishing in jail custody since 02-02-2016 and having more or less similar allegation, co-accused, Deepak Kumar and some others have already been granted privilege of bail.

Accordingly, the petitioner named above, 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 in connection with Sitamarhi P.S. Case No. 790 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi.

(Hemant Kumar Srivastava, J)

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