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IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17056 of 2016

Arising out of PS.Case No. -385 Year- 2015 Thana -RAJIVNAGAR District- PATNA

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Neeraj Kumar @ Bittu Kumar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Sanjay Kumar, Advocate.
For the Opposite Party : Mr. Amrendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-05-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 21.01.2016 in connection with Rajiv Nagar P.S. Case No. 385 of 2015 for the offences instituted under Sections 147, 148, 149, 387, 341, 323, 324, 504, 506, 307, 302, 120(B) of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the informant is a land broker who deals the business of land brokerage. He alongwith his business partner Deoraj Singh alias Jaikant, Manjeet Kumar Singh and others was looking after his construction work on his land situated at 90 feet at Nepali Nagar. It is said that at about 4.30 P.M., the accused Niraj Singh, Shailesh Singh, Sunil Singh, Sanjay Singh, Nakat Gope, Jai Prakash Yadav alias J.P.,

Manoj Gope, Tinku and others forming an unlawful assembly of 30-40 persons came there and obstructed the work. The allegation against the accused-petitioner is that he and other co-accused Niraj Singh, Nakta Gope, Sanjay Singh opened firearm. Deoraj Singh alias Jaikant, Krishna Kumar and Man Mohan Kumar Singh. Other accused persons who were members of unlawful assembly assaulted with lathi and danda taken in their hand. Deo Raj alias Jaikant succumbed to death from the bullet fired by the accused-petitioner Jai Prakash Singh alias J.P. and others and the informant Kishlay Singh and Manjeet Singh sustained bullet injury on their person.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 21.01.2016 and the charge sheet has been submitted in the present case. The petitioner is not named in the F.I.R. He has been made accused on the basis of confessional statement of co-accused. Except for the confessional statement of the co-accused there is no other material to suggest the implication of the petitioner in the present case.

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, let the

petitioner above named, 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 J.M. Ist Class, Patna, in connection with Rajiv Nagar P.S. Case No. 385/2015.

U.K./-

(Sudhir Singh, J)

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