

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20891 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -BUXAR INDUSTRIAL District- BUXAR

1. Chhotu Mishra @ Prakash Ranjan Mishra S/o Shashi Bhushan Mishra,
Resident of village- Churamanpur, P.S.- Industrial Area Buxar, District-
Buxar

.... .. Petitioner/s

Versus

1. The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Rajendra Singh Shastri (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

ORAL ORDER

2 19-05-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 307, 302, 120(B)/34 of the
Indian Penal Code and 27 of the Arms Act.

The petitioner is named in the First Information
Report and it is stated that he along with co-accused Shekher
Pandey and Laddu Pandey took out pistol and caught the
deceased and after that co-accused Shivji Pandey shot fire on the
deceased as a result of which, the deceased died.

Submission on behalf of the petitioner is that having
more or less similar allegation, co-accused Ghanshyam Pandey @
Mantu Pandey and some others have already been granted
privilege of bail and moreover, the petitioner does not have any

criminal antecedent and is languishing in jail custody since 11.01.2016.

On the other hand, learned counsel for the informant, vehemently, opposed the prayer of bail, pointing out that in course of investigation, some witnesses claimed that it was the petitioner, who shot fire on the deceased but admittedly, the statement of aforesaid witnesses is quite different to the claim, made by the informant of this case and moreover, the statement of aforesaid witnesses was recorded after one month of the alleged occurrence.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also keeping in mind that one co-accused namely Shekher Pandey having more or less similar allegation has already been granted privilege of bail by another co-ordinate Bench of this Court, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in connection with Buxar Industrial Area P.S. Case No. 04 of 2016 (G.R. No. 38 of 2016).

(Hemant Kumar Srivastava, J.)

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