

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30862 of 2016

Arising Out of PS.Case No. -73 Year- 2016 Thana -BIHPUR District- BHAGALPUR

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Shubham Kumar Singh S/O- Ashok Kumar Singh R/O- Vill Sundar Nagar
Jora Pokhar, P.S- Jora Pokhar, Distt.- Dhanbad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-09-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 302 and 120B/34 of the Indian Penal Code and 27 of the Arms Act.

Allegation is that elder brother of the informant was returning from Civil Court by his car bearing Registration no. BR-10W-1555 and informant was also going behind him on motorcycle. After going some distance, one Xylo vehicle hit the car of his elder brother. On protest being made, four accused persons, who boarded in the Xylo vehicle, came out and fired upon his elder brother and escaped away. Informant's elder brother succumbed to the injuries and it is alleged that due to political rivalry he (deceased) was shot dead.

It has been submitted on behalf of the petitioner that he is in custody since 21.3.2016. Chargesheet has been submitted against the petitioner. Petitioner has got no criminal antecedent. No allegation of tampering of witnesses is alleged against the petitioner. Petitioner is not named in the F.I.R. He has been made

accused on the basis of confessional statement of the co-accused before the police. Except that there is no other material against the petitioner. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest his implication in the present case.

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

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-II, Naugachia , Bhagalpur, in connection with Bihpur (Jhandapur) P.S. Case no. 73 of 2016.

(Sudhir Singh, J)

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