

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30809 of 2016

Arising Out of PS.Case No. -127 Year- 2016 Thana -JAGDIHSPUR District- BHOJPUR

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Mukesh Kumar @ Guddu Son of late Gangadhar Prasad Resident of
Muhalla - Thana Road, Jagdishpur, P.S. - Jagdishpur, District - Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-09-2016 Heard learned counsel for the petitioner, informant and
the State.

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

Allegation is that F.I.R. named accused persons fired
shots upon elder brother of the informant as he complained about
malfunctioning of the Nagar Panchayat. Petitioner was also a
member of the accused. The injured was taken to hospital where
he was declared dead.

It has been submitted on behalf of the petitioner that he is
in custody since 10.6.2016. Chargesheet has been submitted
against the petitioner. He has got no criminal antecedent. There is
no allegation of tampering of witnesses against the petitioner.
Petitioner is said to have caught hold of the deceased at the time of
occurrence. Main allegation of firing is upon co-accused Chunnu
Mahto and Basu Kumar. No injury has been attributed against the
petitioner. The time of occurrence is said to be at 9:20 in the
night. No source of identification has been disclosed by the

prosecution. From perusal of the F.I.R. itself it is evident that informant has reached the place of occurrence after hearing the sound of firing. Hence, he cannot be said to be an eye witness to the alleged occurrence. It is further submitted by the learned counsel for the petitioner that petitioner may be released after completion of six months in custody, i.e., from 10.6.2016.

On behalf of the State and the informant, it is submitted that petitioner is named in the F.I.R. and has actively participated in the alleged occurrence. There are as many as three gun shot injuries on the body of the deceased.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail after completion of six months in custody, i.e., from 10.6.2016 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, Bhojpur at Arah, in connection with Jagdishpur P.S. Case no. 127 of 2016.

(Sudhir Singh, J)

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