

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31237 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -SAHPUR District- BHOJPUR

Harendra Singh @ Bua Singh Son of Shiv Janam Singh, R/o village-Ishwarpura, Police Station- Shahpur, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.36277 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -SAHPUR District- BHOJPUR

Bashant Mishra @ Vikash Mishra son of Shyam Bihari Mishra, resident of village - Sonebarsa, P.S. Shahpur, District - Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.31237 of 2016)

For the Petitioner/s : Mr. Arun Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

(In Cr.Misc. No.36277 of 2016)

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-09-2016 Heard learned counsel for the Petitioners, the State and the informant.

The Petitioners seek bail in Shahpur P.S. case No.48 of 2016 instituted for the offence under Sections 147, 148, 149, 341, 324, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of A.C.J.M. 14, Bhojpur at

Ara.

The prosecution case, in short is that accusation is that on the alleged date and time of occurrence the informant along with his uncle Bisheshwar Ojha (deceased) and one another person seated over his Safari vehicle after attending marriage ceremony of nephew of Chandeshwar Upadhyay, which was being followed by Kamal Deo Ojha by Scorpio, all of sudden the F.I.R. named accused persons along with 3-4 unknown persons, who were armed with rifle and gun, surrounded the vehicle from front and Haresh Mishra and Brajesh Mishra started indiscriminate firing from their carbine on Bisheshwar Ojha, his driver Rakesh Ojha and Kamaldeo Ojha, who sustained fire arm injury and thereafter Bisheshwar Ojha was declared dead in Referral Hospital and two other injured Kamaldeo Ojha and Rakesh Ojha were referred for better treatment.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 14.2.2016 and 22.2.2016 respectively and the charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioners. Altogether seven persons are named in the F.I.R. including the petitioners. No specific allegation of causing injury upon the deceased is alleged against

the petitioners. The specific allegation has been made against co-accused Haresh Mishra and Brajesh Mishra.

On behalf of the State and the learned counsel for the informant, it is submitted that the petitioners are named in the F.I.R. and have actively participated in the alleged occurrence and the bail of the other co-accused with a similar allegation has been rejected vide Cr.Misc.No.33145 of 2016.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners at this stage. The same is rejected.

(Sudhir Singh, J)

Narendra/-

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