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Appear
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For the

Arising Out of PS.Case No. -148 Year- 2009 Thana -BELAGANJ District- GAYA

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s Mt. N. K. Agrawa, Sr. Adv.

: Mr. Ravindra Kumar Sinha

For the Opposite Party/s : Mr. Sri Amrendra Prasad

4 19-11-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under Sections-307, 302 & other minor sections of the Indian Penal Code and 27 of the Arms Act.

Petitioner is named in the first information report and it is alleged that he opened fire causing death of the deceased. The informant being wife of the deceased, admitted in her fardbyan that at the time of alleged occurrence, one Sahbir Paswan, who happens to be nephew of the deceased, was also along with the deceased and the said Sahbir Paswan, too, sustained injury in the alleged occurrence. The informant and other witnesses claimed that it was the petitioner, who opened fire on the deceased but at paragraph-21 of the case diary, when the statement of injured,

Sahbir Paswan was recorded, the aforesaid injured stated a different story, narrating the fact that it were Gumo Paswan and Bambam Yadav who opened fire on the deceased.

Submission on behalf of petitioner is that the aforesaid witness namely, Sahbir Paswan is most competent and reliable witness because the presence of informant and other witnesses on the place of occurrence appears to be doubtful. It is further submitted that police after investigation, found the accusation untrue in respect of the petitioner and accordingly, the petitioner was not sent up for trial but learned court below differed with the opinion of the police and took cognizance against the petitioner also.

Considering the above-said facts and circumstances of the case as well as submission of the parties and also taking note of this fact that the petitioner does not have any criminal antecedent, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Belaganj P.S. Case No. 148 of 2009 to the satisfaction of learned Additional Chief Judicial Magistrate-III, Gaya.

(Hemant Kumar Srivastava, J)

A.K.V./-

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