

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38961 of 2016

Arising Out of PS.Case No. -207 Year- 2016 Thana -GOPALGANJ CITY District- GOPALGANJ

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1. Sri Niwas Baranwal @ Bittu Kumar son of Mahavir Prasad resident of Mohalla Purani Chowk, P.S. & District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 20-09-2016

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State as also the learned counsel for the informant.

Petitioner is named in the first information report and it is alleged that petitioner and other F.I.R named accused instigated the co-accused Ghanshyam Yadav, who shot fire causing the death of the husband of the informant. The alleged occurrence is said to have taken place on account of land dispute.

Submission on behalf of the petitioner is that the petitioner has been implicated in this case on account of previous enmity and land dispute and, as a matter of fact, the informant lodged this case with exaggerated story and the deceased has not been killed in the manner as stated by the informant in her fardbeyan.

On the other hand, learned counsel for the informant points out that prayer for bail of the co-accused Sipahi Sharma has been rejected by a co-ordinate Bench of this Court vide order dated 17.09.2016 passed in Cr. Misc. No. 39250 of 2016 and the case of the petitioner is on similar footing to that of the co-accused Sipahi Sharma.

It would appear from perusal of the impugned order that petitioner is in jail custody since 17.05.2016 and the investigation against him has already been completed. Petitioner is only said to be an order giver and he has not even touched the body of the deceased. So far as co-accused Sipahi Sharma is concerned, it appears that he suppressed his criminal antecedent resulting rejection of his prayer for bail by a co-ordinate Bench of this Court.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S.Case No. 207 of 2016.

(Hemant Kumar Srivastava, J)

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