

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43425 of 2016

Arising Out of PS.Case No. -212 Year- 2016 Thana -SITAMARHI District- SITAMARHI

1. Murari Singh Son of Late Nageshwar Singh Resident of Mohalla- Ward No. 24 Anchal Gali, Mehasol Chowk, P.S. and District- Sitamarhi.

..... Petitioner/s
Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-11-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 08.04.2016 in a case registered for offences punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case as lodged by the brother of the deceased is that while his brother Sunil Kumar was going to keep Sbooks in the godwon from the book shop, one Suman Mishra killed him by gun shot and the petitioner, who is Home Guard also shot the informant's brother (deceased).

It has been submitted by the learned counsel for the petitioner that the petitioner is a Police Home Guard and he has no



criminal antecedent and was at the time of occurrence in the market place. He further submits that from perusal of re-statement of the informant, he, has stated that co-accused Suman Mishra was on friendly terms with the petitioner and after firing, he handed over his rifle, hence, there is contradiction in the F.I.R. and re-statement of the informant. It has further been submitted that the petitioner has no criminal history and charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution witnesses. He further submits that all witnesses have stated that co-accused Suman Mishra fired and it is only on the basis of suspicion that the petitioner has been named accused.

However, learned A.P.P. for the state opposes the prayer for bail.

From perusal of materials on record and in the facts and circumstances, since charge sheet has already been submitted, hence, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 212/ 2016 with a condition that one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned

police station and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

With these observations and directions, this bail application stands allowed.

(Nilu Agrawal, J)

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