

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12439 of 2016

Arising Out of PS.Case No. -138 Year- 2015 Thana -AURAI District- MUZAFFARPUR

Brahmdeo Rai, S/o Late Mangal Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Binod Kumar (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 18-03-2016

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-302/34 of the Indian Penal Code and 27 of the Arms
Act.

Petitioner and three co-accused are named in the first
information report on the ground that they were found standing
near the place of occurrence and at the time of occurrence, the
smoke was coming out from the pistol of co-accused, Dhanraj
Sah.

Learned counsel for the petitioner submits that only
one fire-arm injury was found on the person of the deceased. It is
submitted that as a matter of fact, the informant is not an eye
witness but even if, prosecution story assumed to be true, then

also, except the allegation of member of unlawful assembly, there is nothing against the petitioner who is languishing in jail custody since 20-12-2015.

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 petitioner has clean and fair 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 Aurai P.S. Case No. 138 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur.

A.K.V./-

(Hemant Kumar Srivastava, J)

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