

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4463 of 2016

Arising Out of PS.Case No. -227 Year- 2009 Thana -MARHAURA District- SARAN

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Abhinash Rai @ Avinash Rai @ Awinash Rai Son of Jamadar Rai, Resident
of Village- Banwari Basant, Police Station- Garkha, District- Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Roy, Advocate

For the Opposite Party : Mr. Murlidhar (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

13 02-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody in connection
with Marhowrah P.S. Case No. 227 of 2009 for the offences
instituted under Sections 302, 307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution story in brief, is that the petitioner
along with other co-accused came on motorcycle and shot fire
upon younger brother of the informant and when the informant
came to rescue him then he was also shot fire, resulting which he
sustained injury upon his right thigh.

It has been submitted on behalf of the petitioner that
petitioner is in custody since 02.09.2011. There is no allegation of

tampering of the witnesses against the petitioner. He has already remained in custody for more than five years. From perusal of the F.I.R. itself, it is evident that no injury upon the deceased has been attributed against the petitioner. Petitioner is only said to be a member of unlawful assembly.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances and the period of custody, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ad-hoc Additional District Judge-5th, Saran at Chapra, in connection with Marhowrah P.S. Case No. 227 of 2009, corresponding to S.Tr. No. 938 of 2011.

Rajiv/-

(Sudhir Singh, J.)

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