

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33268 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -SAHPUR District- BHOJPUR

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Tunni Mishra @ Tuni Mishra Son of Late Chandryug Mishra Resident of
village- Sonbarsa, Police Station- Shahpur, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-09-2016

Heard learned counsel for the petitioner, the State and
the informant.

The petitioner seeks bail in Shahpur P.S. Case no. 48
of 2016 instituted for the offence under Sections 147, 148, 149,
341, 324, 307 and 302 of the Indian Penal code and Section 27 of
the Arms Act, pending in the court of A.C.J.M.—14, Bhojpur at
Ara.

The prosecution case, in short, is that on the alleged
date and time of occurrence the informant along with his uncle
Bisheshwar Ojha (deceased) and one another person boarded in
his Safari vehicle after attending marriage ceremony of nephew of
Chandeshwar Upadhyay and Scorpio of Kamal Deo Ojha was also
behind their vehicle. All of a sudden, F.I.R. named accused
persons along with 3-4 unknown persons having armed with rifle
and gun surrounded the vehicle. Haresh Mishra and Brajesh
Mishra started indiscriminate firing from their carbine on
Bisheshwar Ojha, his driver Rakesh Ojha and Kamaldeo Ojha.
All three persons received fire arm injuries and they were taken to
hospital where Bisheshwar Ojha was declared dead and other two

were referred for better treatment.

It has been submitted on behalf of the petitioner that petitioner is in custody since 20.2.2016 and Chargesheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. Altogether seven persons are named in the F.I.R. including petitioner. No specific allegation of causing injury upon the deceased is alleged against petitioner. The specific allegation has been made against co-accused Haresh Mishra and Brajesh Mishra.

On behalf of the State and the informant, it is submitted that petitioner is named in the F.I.R. and has actively participated in the alleged occurrence and the bail of other co-accused with a similar allegation has been rejected vide Cr. Misc. No. 33145 of 2016.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to petitioner at this stage, same is rejected.

(Sudhir Singh, J)

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