

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29319 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -RAJPUR District- BUXAR

Barun Mishra Son of Shyam Sunder Mishra, Resident of Village-
Badkagaon Nagpura, P.S.- Simri, Dist- Buxar, at present Sindigate,
Budhanpurwa, P.S.- Buxar (T).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Manish Rai Sharma, Advocate.

For the Opposite Party : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 28.04.2016
in connection with Rajpur P.S. Case No. 38 of 2016 for the
offences instituted under Sections 393, 307/34 of the IPC and 27
of the Arms Act.

The prosecution story, in brief, is that on 19.02.2016 at
about 7.00 P.M., while the informant was coming to his home on
his Motorcycle, three unknown miscreants who were sitting on
one Motorcycle, dashed with the Motorcycle of the informant, due
to which, he fell down and one of the miscreants fired upon his
knee.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.04.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He is not named in the FIR. He has been made accused in the present case on the basis of his self confession. He has not been put on T.I. Parade nor there is any recovery of incriminating article from his possession. It is further submitted that the petitioner may be released on bail after completion of nine months in custody from 28.04.2016. The other co-accused has been granted bail by this Court vide Cr. Misc. No. 29216 of 2016.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail after completion of nine months in custody from 28.04.2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Buxar, in connection with Rajpur P.S. Case No. 38 of 2016.

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(Sudhir Singh, J)