

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5855 of 2016

Arising Out of PS.Case No. -253 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

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1. Munna Tiwary Son of Sri Uma Shankar Tiwary, resident of Mohalla Anand Nagar Ara, Police Station Ara (Town), in the district of Bhojpur.
..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Advocate
Mr. Prabhu Narayan Sharma
For the Opposite Party/s : Mr. Awadhesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-04-2016 Heard learned Sr. Counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Ara (Town) P.S.
Case No. 253 of 2015 registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the Arms
Act.

Allegedly, on 05.06.2015 co-accused Jitendra Kumar @
Mithai, Munna son of Sri Niwas Sonar and two unknown came to the
shop of the informant when some scuffle took place leading to pelting
of stones by the accused persons, the informant pacified the matter but
again at 6:00 pm the accused persons came and Jitendra Kumar fired
causing injury to Mukesh Kumar who succumbed to the injuries. The
petitioner is not named in the FIR and his name transpired in the
confession of co-accused Jitendra Kumar vide paragraph 78 and 85 of
the case diary.

Submission is of false implication and that besides confession of co-accused there is noting against the petitioner, in this case Santosh Kumar Roy has already been allowed pre-arrest bail by another co-ordinate Bench of this Court and the petitioner has also got no criminal antecedent and is suffering in custody since 18.12.2015 to which learned A.P.P. is not in a position to distinguish the case of the petitioner from that of co-accused Santosh Kumar.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara (Town) P.S. Case No. 253 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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