

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28434 of 2015

Arising Out of PS.Case No. -62 Year- 2011 Thana -BUXAR INDUSTRIAL District- BUXAR

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1. Sheru Singh @ Onkar Nath Singh son of Krishna Singh Resident of village - Dullahpur, P.S. - Simri, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Ajay Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-01-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 324, 307, 302 and 34 of the I.P.C and section 27 of the Arms Act.

Allegedly, when the informant was going from Buxar to his house with Shivji Kharwar and as soon as reached near Bijilia Bramha Baba Asthan three unknown persons fired upon them resulting the informant fell down from the motorcycle and when Shivji Kharwar started running all the three persons fired on him resulting he fell down and died.

Submission is of false implication and that the petitioner has got no motive to commit the crime, he is not named



in the FIR, on the basis of the news item published in Dainik Jagran the petitioner was apprehended and his confessional statement has got been recorded and thereafter after two months of the occurrence witnesses Narendra Tiwary and Mirtunjoy Thakur disclosed before the police that they saw the petitioner and other co-accused making indiscriminate firing upon the deceased, those two co-accused have already been allowed bail vide Cr. Misc. Nos. 9066 of 2015 and 11759 of 2015 by order dated 08.05.2015 by another coordinate Bench of this Court and the petitioner is suffering in custody since 27.05.2013.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner has got criminal antecedent as he is involved in 16 more cases.

In the facts and circumstances as stated above, considering that besides the confessional statement of the petitioner after two months of the occurrence the name of the petitioner and other co-accused were disclosed by two witnesses and those two co-accused have been allowed bail by another coordinate Bench of this Court and as such the petitioner is also directed to 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 Sri R. S. Tiwari, Incharge A.D.J.-II, Buxar in

Sessions Trial No. 46 of 2013 arising out of Buxar (Industrial) P.S. Case No. 62 of 2011, 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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