

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34578 of 2016

Arising Out of PS.Case No. -234 Year- 2015 Thana -SULTANGANJ District- BHAGALPUR

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Shankar Bind, son of Rajendra Bind, resident of Adarsh Nagar, P.S.-
Sultanganj, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate.

For the Opposite Party : Mr. Bharat Lal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 03-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 04.06.2016
in connection with Sultanganj P.S. Case No. 234 of 2015 for the
offences instituted under Sections 302, 307/34 of the IPC and 27
of the Arms Act.

The prosecution story, in brief, is that on the occasion of
Kali Puja, a programme of *Jagran* was going on in the campus of
the temple. It is alleged that at 11.30 O'clock, there was
altercation with Barun Kumar from Shankar Bind, Dipak
Choudhary, Basuki Bind in course of sitting in programme which
was pacified by the villagers and Basuki Bind, Shankar Bind and
Dipak Choudhary went away from there. It is alleged that at 1.00
O'clock in the night the accused persons named in the FIR came
together having pistol in their hand abused Barun Kumar and

Basuki Bind fired on him, which hit in chest and it also hit in the chest of Pintu Kumar standing near Barun Kumar. Both were taken to the Hospital where Barun Kumar was declared dead.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.06.2016 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 has got no criminal antecedent. The main allegation of firing upon the deceased is against Basuki Bind. No overt act alleged against the petitioner. The other similarly situated co-accused have been granted bail by another co-ordinate Bench of this Court vide Cr. Misc. Nos. 14349/2016 and 19064/2016.

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, 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 ACJM-cum-Sub Judge-I, Bhagalpur, in connection with Sultanganj P.S. Case No. 234/2015.

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(Sudhir Singh, J)