

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45156 of 2016

Arising Out of PS.Case No. -182 Year- 2015 Thana -MAIRWA District- SIWAN

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Praveen David @ Rinku David son of Late Sunil David, Resident of
Mission Compound, Main Road, Mairwa, P.S.- Mairwa, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajgiri Singh, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 15-12-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
10.06.2016 in connection with Mairwa P.S. Case No. 182 of 2015
registered for the offence punishable under Sections 302,
120(B)/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that petitioner and other accused were pressurizing the informant's
father to withdraw a case, which had earlier been lodged, and
when the informant's father refused to withdraw the same, at the
instigation of co-accused Ashok Jaiswal, petitioner and other
accused are said to have caught hold the informant's father and co-



accused Tinku David opened fire causing death of informant's father.

It has been submitted by the learned counsel for the petitioner that the allegation upon the petitioner and three other accused is that they caught hold the deceased and co-accused Tinku David fired shot whereas order giver was one Ashok Jaiswal. It has further been submitted that co-accused Ashok Jaiswal has since been granted the privilege of bail by a Co-ordinate Bench of this Court and other co-accused on similar allegations have also since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 29744 of 2016 on 28.07.2016 and that petitioner has no criminal history and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant submits that there was a case earlier lodged by the deceased against the petitioner's side, which was the reason for the aforesaid act by the petitioner's side, hence, opposes the prayer for bail.

Learned A.P.P. for the State also opposes the prayer for bail as the petitioner is named in the First Information Report.

Be that as it may, since charge-sheet has already been submitted and other co-accused on similar allegations have



since been granted the privilege of bail, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Mairwa P.S. Case No. 182 of 2015.

(Nilu Agrawal, J.)

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