

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6930 of 2016

Arising Out of PS.Case No. -62 Year- 1997 Thana -ANDER District- SIWAN

1. Ramesh Kushwaha @ Ramesh Singh Kushwaha S/o Sitaram singh
Kushwaha Resident of Village- Baraso, P.s Mairwa, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. L.K.Sharma(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

7 23-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail custody since
14.12.2015 in a case registered for offences punishable under
sections 147, 148, 149, 324, 307 of the Indian Penal Code and
subsequently, Sections 302 of the I.P.C. has been added and under
Section 27 of the Arms Act.

The prosecution case, as lodged on the basis of
fardbeyan before Officer-in-charge, Andar Police Station, is that
on the date of occurrence at about 5 P.M. informant was returning
from market after purchasing a sandal with his cousin Mintu
Dubey and when he reached just South of Andar Chowk in
Raghunathpur road at about 6 P.M., the petitioner alongwith five



others armed variously surrounded him. It is further alleged that accused Hiralal Dubey ordered to kill thereupon the petitioner fired with country made pistol upon the informant which hit on the left side of his back. It is further alleged that rest of the accused persons also started indiscriminate firing and the informant fell down and he was taken to Andar Hospital from where he was shifted to Siwan Hospital and the accused persons fled away.

It has been submitted by the learned counsel for the petitioner that the present case has been registered in the year 1997 and allegation is upon the petitioner and other co-accused of firing upon the informant (deceased).He further submitted that final form (charge sheet) was submitted against others and the investigation against the petitioner remained pending. He further submits that the learned Chief Judicial Magistrate has taken cognizance and the petitioner was sent up for trial as per the supplementary final form, which was not yet complete, as such it was an error of record. He further submits that the investigation against the petitioner is still going on and when the petitioner was elected as member of Bihar Legislative Assembly in the year, 2015 cognizance has been taken against the petitioner, which was on account of political rivalry. He further contends investigation still pending, cognizance has been taken and further proceedings

in quashing application bearing Misc. No. 1532/2016 has been stayed by way of interim measure.

However, learned counsel appearing on behalf of the informant submits as per the post mortem report, the injury caused by the petitioner on the deceased, resulted in his death, hence, opposes the prayer for bail.

Learned A.P.P. for State also opposes the prayer for bail as the petitioner is named in the F.I.R.

Be that as it may, since the petitioner along with others has been alleged to have fired, investigation still pending against him, let the above named petitioner, Ramesh Kushwaha @ Ramesh Singh Kushwaha is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Andar P.S. Case No. 62/1997 (G.R. No. 1121/1997).

(Nilu Agrawal, J)

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