

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8777 of 2016

Arising Out of PS.Case No. -576 Year- 2015 Thana -NAUBATPUR District- PATNA

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1. Amrish Kumar @ Bhuttoo son of Late Umesh Kumar @ Uma Shankar,
Resident of village- Chesi, P.S.- Naubatpur, District- Patna

.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Rajeev Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-04-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Naubatpur P.S. Case No. 576 of 2015 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is not named in the first information report wherein it is alleged that co-accused Gautam, Banti and two unknown after opening fire killed Lullan Sharma the husband of the informant. During investigation the informant in her further statement stated the name of the petitioner and Muchkun also. Similarly other witnesses have also named them.

Submission is of false implication and that only on suspicion the petitioner has been named later on, similarly situated

co-accused Muchkun @ Abhishekh Kumar has been allowed pre-arrest bail by another co-ordinate Bench of this Court and the petitioner is suffering in custody since 03.10.2015 having no criminal antecedent.

Learned APP submits that during investigation the name of the petitioner has also transpired along with Muchkun.

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 Judicial Magistrate Ist Class, Danapur in connection with Naubatpur P.S. Case No. 576 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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