

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23213 of 2016

Arising Out of PS.Case No. -309 Year- 2015 Thana -PIRPAINTI District- BHAGALPUR

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Kala Mishra @ Mostt. Kala Mishra W/o Late Jai Prakash Mishra resident
of village - Olapur, P.S. Pirpainty, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. M.Rab, App

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 04-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 21.03.2016
in connection with Pirpainty P.S. Case No. 309 of 2015 registered
for offences under Sections 302/34, 120(B) of the Indian Penal
Code and 27 of the Arms Act.

The prosecution story, in brief, is that the deceased (Niraj
Mishra) had gone to the local bazaar and while returning some
miscreants shot the deceased. On getting the information the
informant rushed to the place of occurrence to find her husband
dead and the petitioner was there. The informant is also alleged to
have seen the accused Ravi Ranjan Mishra and Nilesh Thakur. He
had suspicion about participation of the accused named in the

F.I.R.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.03.2016. Charge-sheet has been submitted in the present case. Informant is not an eye witness to the alleged occurrence. There is no eye-witness to the alleged occurrence. The deceased and the petitioner are agnates. He has been made accused in the present case merely on the basis of suspicion and confession of the co-accused. There is an admitted property dispute between the parties which is pending before the Court below. Other similarly situated co-accused has been granted bail vide Annexure - 2 to the present application. It is further submitted that the petitioner is the informant in a case in which the informant of the present case was made accused.

On behalf of the learned counsels for the State and the informant, it is submitted that the petitioner is named in the F.I.R. His name has come in the confessional statement of the co-accused. From the call details report, it also appears that on the alleged date of occurrence, the petitioner and the other co-accused were in touch with each other.

In respect to the said submission of the informant it has been submitted by the learned counsel for the petitioner that the petitioner has already made his deposition in the case in which the

informant is an accused.

Considering the aforesaid facts and circumstances and the fact that other co-accused has been granted bail, 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 Additional Chief Judicial Magistrate II, Bhagalpur in connection with Pirpainty P.S. Case No. 309 of 2015.

(Sudhir Singh, J)

Prakash/-

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