

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15130 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

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Roshan Kumar Son of Sri Bhola Prasad Mishra Resident of Village-
Telcondha, P.S. Sonakhar, Distt.- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 12-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 364A and 34 of the Indian Penal Code.

It is alleged that informant's husband after closing
his shop was coming in his car but did not reach at home. The
name of the petitioner has come during investigation.

Earlier the bail application of the petitioner was
rejected vide Cr. Misc. No. 20675 of 2016 dated 19.07.2016
taking into account that the bail of other co-accused has already
been rejected by co-ordinate Bench of this court.

This is second attempt for grant of bail on behalf of
the petitioner.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.01.2016. The charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. The petitioner is not named in the F.I.R. His name has come in course of investigation. The petitioner was apprehended on suspicion along with other co-accused namely Md. Jamal Abdul Nasir @ Jamal Abdul Nasir. There is no recovery of any incriminating article from the conscious possession of the petitioner. The petitioner is a student. From perusal of Annexure-2, it is evident that there is admitted land dispute going on between Md. Jamal Abdul Nasir @ Jamal Abdul Nasir and victim. It has further been submitted that other co-accused namely Md. Jamal Abdul Nasir @ Jamal Abdul Nasir has already been granted bail vide Cr. Misc. No. 12740 of 2017 dated 10.05.2017.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

The counsel for the informant has submitted that a cancellation of bail has been preferred before the Hon'ble Apex Court against the bail granted to co-accused namely Md. Jamal Abdul Nasir @ Jamal Abdul Nasir but in support of his submission, no detail has been furnished.



Considering the aforesaid facts and circumstances and taking into account that other co-accused was 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 J.M. 1st Class, Patna in connection with Gandhi Maidan P.S. Case No. 40 of 2016.

(Sudhir Singh, J)

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