

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50266 of 2017

Arising Out of PS.Case No. -56 Year- 2017 Thana -BUDDHACOLONY District- PATNA

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Shivam Singh @ Niraj Singh, son of Mukesh Singh @ Manjeet Singh,
resident of Nakham Tola, P.S. Badhara, District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 17-10-2017

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in Budha Colony P.S. Case
No. 56 of 2017 registered under Section 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per the prosecution case, unknown accused
persons including the petitioner are said to have gunned down the
elder brother of the informant encircling him on the way to his
house from a marriage party.

It is submitted by learned counsel for the petitioner
that there is no specific allegation against the petitioner rather the
allegation is general and omnibus in nature. The informant is not
the eye witness of the occurrence. The companion of the deceased,
namely, Gabbar alias Umesh Kumar has not witnessed the



petitioner in the occurrence. In the postmortem, the doctor has found four injuries but as there are 11 accused persons, said to have resorted firing on the deceased so the author of the said injury is not ascertainable. Similarly situated co-accused persons have been granted bail by this Court as well as by co-ordinate Bench of this Court in Cr. Misc. No.31134 of 2017 vide order dated 28.07.2017, Cr. Misc. No.39698 of 2017 vide order dated 19.08.2017 and Cr. Misc. No.43919 of 2017 vide order dated 21.09.2017. The petitioner has been languishing in custody since 19.06.2017.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna in connection with Budha Colony P.s. Case No.56 of 2017.

(Prakash Chandra Jaiswal, J)

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