

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41254 of 2016

Arising Out of PS.Case No. -99 Year- 2014 Thana -PIYAR District- MUZAFFARPUR

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1. Mukesh Kumar @ Mukesh Ojha Son of Late Satya Narayan Ojha,
Resident of Village - Bagahi, P.S.- Piyar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyavrat Verma

For the Opposite Party/s : Smt. Madhuri Lata

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 09-01-2017 Heard both sides.

The petitioner apprehends his arrest in Piyar P.S. case
No.99 of 2014 under Section 302/34 of the Indian Penal Code and
under Section 27 of the Arms Act.

The informant named Sattar Ansari, Raghwendra
Thakur, Abhiram Thakur and alleged that the named accused,
along with other two unknown persons and he claimed to identify
them, shot his grand father dead and fled away.

The learned counsel for the petitioner submits that
petitioner is not named in the FIR and there is absolutely no
material against the petitioner. One Amit Kumar was apprehended
and he is said to have confessed his guilt in paragraph 79 of the
case diary. The police informer disclosed that Amit Kumar and
Saurabh were talking with each other that petitioner had asked
them to kill the deceased, Mahendra Mahto and, accordingly, they



done the work but petitioner did not pay the amount. It is further submitted that petitioner was not even present at the place of occurrence. There is absolutely no evidence against the petitioner save and except so called confessional statement of Amit Kumar. Amit Kumar has already been granted bail vide order passed in Cr. Misc. No. 16899 of 2015. Amit Kumar was not even put on T. I. parade and on the basis of confessional statement of Amit Kumar the police did not collect any further tangible evidence to show the involvement of the petitioner.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged 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-V, Muzaffarpur in Piyar P.S. Case No. 99 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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