

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37857 of 2017

Arising Out of PS.Case No. -23 Year- 2014 Thana -TARAIYA District- SARAN

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1. Mukesh Choubey S/o Vishwamitra Choubey, Resident of Village-Madhopur Bara, P.S.-Taraiya, District-Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 23.08.2017 Supplementary affidavit is filed on behalf of the
petitioner.

Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is in jail custody since 31.10.2015 and earlier his prayer for bail was rejected by this court vide order dated 22.6.2016 passed in Cr. Misc. no. 25826/2016 taking note of this fact that he pierced Barchhi into the abdomen of the deceased Krishna Chaubey. Moreover, it is submitted on behalf of the petitioner that, altogether, ten prosecution witnesses including the informant and son of the deceased had already been examined but they have not supported the prosecution case.



Learned counsel for the petitioner submits that informant is said to be injured witness who has been examined before the court below as PW 6 and the said witness also did not name the petitioner as assailant rather stated that the petitioner and others came on the place of the occurrence and altercation took place and in that altercation firing was made and Barchhi was hurled and he did not see who made firing and who hurled Barchhi.

Considering the aforesaid facts and circumstances as well as submissions of the parties, particularly, taking note of depositions of the informant (PW6) as well as son of the deceased (PW 10), petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge VIII, Saran at Chapra in Sessions trial no. 56/2016 arising out of Taraiya P.S. Case no. 23/2014.

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(Hemant Kumar Srivastava,J)

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