

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22513 of 2017

Arising Out of PS.Case No. -100 Year- 2016 Thana -NATIONAL HIGHWAY District-
SAMASTIPUR

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1. Mukesh Kumar, aged about 22 years Son of Ravindra Prasad Singh
Resident of Village- Madhopur, Police Station- Mufassil, District-
Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra

For the Opposite Party/s : Mr. Sri Ajit Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-06-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
08.11.2016 in connection with N. H. Bangra P.S. Case No.
100/2016 for offences alleged under Sections 115, 120B and 414
of the Indian Penal Code and Section (25-1B)A, 26/35 of the
Arms Act.

The prosecution case is that the petitioner along
with other accused persons conspired to kill Smt. Laxmi Devi,
Mukhiya of Sarsauna Panchayat.

Learned counsel for the petitioner submits that he
has been falsely implicated in the aforesaid case only on the basis
of suspicion. He further submits that other accused persons



including the alleged shooter Golden Kumar have been granted privilege of bail and name of the petitioner surfaced in the confessional statement of Golden Kumar. He submits that other alleged conspirator have been granted bail by co-ordinate benches of this Court in Cr. Misc. No. 1401/2017 dated 16.01.2017, Cr. Misc. No. 2943/2017 dated 31.01.2017 and Cr. Misc. No. 3636/2017 dated 20.02.2017. He further submits that no case under Sections 115, 120B and 414 of the Indian Penal Code is made out and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner is named in the FIR and he is named by accused Golden Kumar and from his possession, during search, one loaded country made pistol and two live cartridges were found, hence, opposes the prayer for bail.

Considering the facts aforesaid and materials available on record, let petitioner, above named, 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 learned Additional Chief Judicial Magistrate V, Samastipur, in connection with N.H. Bangra P.S. Case No. 100/2016, subject to the condition



that the petitioner will remain physically present in the court on each and every date during trial and in the event of failure to appear on two consecutive dates without assigning any reason will be liable for cancellation of his bail bond.

(Nilu Agrawal, J.)

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