

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36689 of 2017

Arising Out of PS.Case No. -82 Year- 2017 Thana -KATEYA District- GOPALGANJ

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1. Sunil Mishra @ Munna Mishra Son of Late Radhe Shyam Mishra, R/o Village- Bhirnichak, Jamunaha Bazar, P.O. & P.S.- Kateya, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 13.04.2017 in connection with Kateya P.S. Case No. 82 of 2017 for offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that his uncle Mumtaj Ansari had a furniture shop in the market and on the date of occurrence, after closing his shop while he was coming to home, some miscreants have killed him by gun-shot injury and on close search it was found that his purse was missing.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the



aforesaid case on the basis of confessional statement of Munna Sah, who has named the petitioner to be one of the accomplices. He submits that there were two persons named as Munna Mishra but the parental name of the other person was Laxmikant Mishra, whereas, the parental name of the petitioner is Radhe Shyam Mishra. The only allegation against the petitioner is that he was kept as a watch, no overt has been alleged in the confessional statement rather it is one Vikash Sah and Munna Mishra son of Laxmikant Mishra who had fired and that confessional statement before the police has no evidentiary value in the eye of law. The petitioner in his self confessional statement before the police has given entirely different version as he has stated that there was political rivalry between the deceased and one Ayodhya Prasad for the post of Mukhiya and the deceased was supporting Dhananjay Rai. There is no eye witness of the alleged occurrence. Petitioner is not named in the F.I.R. and no one has seen the petitioner at the place of occurrence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials 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 Chief Judicial Magistrate, Gopalganj , in connection with Kateya P.S. Case No. 82 of 2017 subject to the condition that one of the bailors would be a close relative of the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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