

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33915 of 2017

Arising Out of PS.Case No. -48 Year- 2016 Thana -SAHPUR District- BHOJPUR

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Tunni Mishra @ Tuni Mishra Son of Late Chandrayug Mishra, Resident of Village-Sonbarsa, Police Station-Shahpur, District-Bhojpur.

..... Petitioner

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner : Mr. Arun Kumar Pandey, Advocate.
For the Opposite Party : Mr. Amit Kumar Rakesh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-09-2017 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in custody since 20.02.2016 in a case for the offence registered under Sections 147, 148, 149, 341, 324, 307, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that while the informant and his family members was returning after attending the marriage ceremony, the accused persons who were armed with rifle and gun, surrounded. Haresh Mishra and Brajesh Mishra started indiscriminate firing from their Carbine on Bisheshwar Ojha and others as a result of which Bisheshwar Ojha died.



Earlier the bail application of the petitioner was rejected vide Cr. Misc. No. 33268 of 2016 dated 26.09.2016 with an observation “at this stage” taking the fact that there was specific allegation against co-accused Haresh Mishra and Brajesh Mishra.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 20.02.2016. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Seven persons including the petitioner have been named in the F.I.R. No specific injury has been attributed against this petitioner. Specific allegation of assault is against Haresh Mishra and Brajesh Mishra. Other co-accused Harendra Singh @ Bua Singh @ Buwa Singh has already been granted bail by this Court vide Cr. Misc. No. 16748 of 2017 dated 28.06.2017.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Sessions Judge, 3rd, Bhojpur at Ara, in connection with Shahpur P.S. Case No. 48 of 2016.

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(Sudhir Singh, J)

