

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24684 of 2017

Arising Out of PS.Case No. -216 Year- 2012 Thana -BALIA District- BEGUSARAI

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1. Deepak Mishra @ Deepak Kumar @ Deepak Kumar Mishra, Son of Rajendra Mishra, resident of Village- Awgil Husaina, P.S.- Medni Chauki, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Ramesh Chandra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-07-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 17.12.2016 in connection with Balia P.S. Case No. 216/12 for offences punishable under Sections 302, 326 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the wife of the deceased, is that her husband went to Kamalpur and did not return. His dead body was found lying in a field.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report, no one has seen the occurrence and during course of



investigation it was found that the deceased was last seen with the petitioner and other co-accused. He submits that even the last seen witness is a hearsay witness. It is submitted that another co-accused, who was also last seen with the deceased, has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 16228 of 2013 on 17.04.2013 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 opposes the prayer for bail stating therein that as per the injury report, there were as many as six injuries caused by knife and fire-arm.

Be that as it may, 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, Begusarai, in connection with Balia P.S. Case No. 216/2012.

(Nilu Agrawal, J)

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