

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34148 of 2018

Arising out of PS.Case No. -440 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Santosh Kumar Mishra S/o Kanhaiya Mishra, R/o Hardiya, Ward No. 21,
Narkatiaganj, P.S.- Shikarpur, District- West Champaran at Bettiah.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-07-2018 Heard learned senior counsel for the petitioner and
learned A.P.P. for the state.

The petitioner seeks bail in connection with Shikarpur
P.S. Case No. 440 of 2017 registered for the offences punishable
under Sections 302/34 of the I.P.C. and Section 27 of the Arms
Act.

The allegation in the present case is that the deceased
appears to have been called over telephone by the petitioner herein
and thereafter the deceased had gone to the place of the petitioner
herein. The deceased is said to be working for the Railways as a
Contractor and used to also pick up the wages of the employees.
Subsequently, it transpires that the deceased had been shot dead by
two motorcycle-borne assailants.

The learned senior counsel for the petitioner has



submitted that if the petitioner had to kill the deceased, there was no occasion to ride on a motorcycle and kill the deceased subsequently and he could have done away with him when he had come to his house. It is further submitted that there is no evidence whatsoever in the entire case diary to suggest the complicity of the petitioner in the alleged crime. Lastly, it is submitted that several co-accused persons, whose bail orders have been annexed to the present petition, have already been granted bail by this Court. The petitioner is stated to be having a clean antecedent and is languishing in custody since 25.04.2018.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 440 of 2017.

(Mohit Kumar Shah, J)

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