

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49094 of 2018

Arising Out of PS.Case No. -15 Year- 2018 Thana -MUSRIGHARARI District- SAMASTIPUR

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Vikash Kumar, Son of Sri Suresh Rai, Resident of Village- Rahimpur
Rudauli, Ward No.3, P.S.- Mufassil, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Thakur, Advocate.
Mr. Shashank Shekhar, Advocate.
Ms. Babita Kumari, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 26-09-2018 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Mushrigharari P.S. Case
No. 15 of 2018 instituted for the offence under Sections 302,
120-B/34 of the Indian Penal Code and Section 27 of the Arms
Act.

Counsel for the petitioner submits that there is no eye
witness of the occurrence. Sanjay Kumar who is nephew
(*Bhanja*) of the deceased and grand son (*Naati*) of the informant
was accompanying the deceased on Motorcycle. He has stated
that he went with the deceased at Royal *Dhaba* situated North of
NH-25. When they reached at Royal *Dhaba* petitioner with
whom the deceased used to talk regularly and had called the



deceased there, was standing near a black Apache Motorcycle with his two friends whom Sanjay Kumar did not know. He has stated that his *Mama* (since deceased) sent Sanjay Kumar to place order for five cups of tea. Sanjay Kumar went inside *Dhaba* and ordered for tea. Thereafter, he heard sound of firing. The people of *Dhaba* had seen the petitioner along with two co-accused of making firing from their pistols and fleeing away with the Motorcycle towards Gangapur. Thereafter, the informant along with his grand-son (Naati) and villagers took his injured son (since deceased) to Sadar Hospital Samastipur, where the Doctor declared him dead. Such statement of nephew of the deceased has been recorded in paragraph-9 of the case diary.

Counsel for the petitioner further submits that statement of Umesh Sharma, who is working in Royal *Dhaba*, has been recorded in paragraph-11 of the case diary wherein he has not claimed to have seen any person firing on the deceased. Counsel for the petitioner submits that besides suspicion, there is no eye witness of the occurrence.

In the written report the informant has stated that he learnt about the occurrence from his Grand-son namely, Sanjay Kumar that his son Rajiv Kumar has been shot dead.

Petitioner is said to be in custody since 15.02.2018.



Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released 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 Judicial Magistrate, 1st Class, Samastipur, in connection with Mushrigharari P.S. Case No. 15 of 2018, subject to the condition that both the bailors will be the close relatives of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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