

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6342 of 2019

Arising Out of PS. Case No.-636 Year-2018 Thana- DANAPUR District- Patna

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Bittu Rai @ Bittu Kumar @ Avinash Kumar, aged 18 years, S/o Manoj Kumar @ Manoj Rai, Resident of Mohalla – Imlital, P.S. - Danapur, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 26.09.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Sunil Kumar dated 14.09.2018 submitted to the Station House Officer of Danapur Police Station is to the effect that on 14.09.2018 at 8.27 P.M., the brother of the informant, Mukesh Kumar has been killed. The specific case of the informant is that all the FIR named accused persons including the petitioner came to the house of the informant and co-accused Nikhil Kumar Rajak



fired on the brother of the informant and thereafter directed other co-accused to fire when others also fired upon the brother of the informant. Earlier the victim, Mukesh Kumar had lodged a case against the informant side, as they were aggressors.

It is submitted by learned counsel for the petitioner that the specific accusation of firing is against co-accused Nikhil Kumar Rajak. The postmortem report reflects only one injury on the left side of the chest of the body of the victim. Though, the petitioner is accused in one another case but he is on bail.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that the specific accusation of firing is against co-accused Nikhil Kumar Rajak and the postmortem report reflects only one injury, coupled with the fact that the investigation has already been concluded, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Danapur, Patna in connection with Danapur P.S. Case No. 636 of 2018.

(Dinesh Kumar Singh, J)

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