

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4657 of 2019

Arising Out of PS. Case No.-274 Year-2018 Thana- KUDRA District- Kaimur (Bhabua)

Mithilesh Upadhyay, S/o Sant Upadhyay Resident of Village- Taruhao, P.S.-
Kudra, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 22-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under Sections 302, 307, 326 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case in brief is that in the backdrop of land dispute, an altercation took place between the parties and in consequence thereof, the accused persons fired upon, which hit the prosecution side. In the occurrence, one person died instantaneously.

It has been submitted on behalf of the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 12-10-2018. Charge sheet has already been



submitted. The petitioner has been falsely implicated in the present case. As per FIR, the petitioner is said to have fired upon Sunny Deol, nephew of the informant causing injury on his leg. The same is not on vital part of the body. The main allegation is against co-accused Anil Upadhyay who is said to have fired upon the deceased. There is no allegation of causing injury to the deceased by the petitioner. So far the petitioner is concerned, at best an offence under Section 307 of the IPC is made out against him.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, the petitioner named above is directed to 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 learned ACJM-VI, Kaimur at Bhabua in connection with Kudra P.S. Case No. 274 of 2018.

(Sudhir Singh, J)

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