

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4139 of 2019

Arising Out of PS. Case No.-87 Year-2018 Thana- VAISHALI District- Vaishali

Abhishek Kumar Srivastava, Son of Rajesh Kumar, Resident of Village-
Bhagwanpur Simra, P.S.- Paru, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
26.06.2018 in a case registered for the offences punishable
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case as per the fardbeyan of Sumeet
Kumar Shahi, recorded by Rajeshwar Prasad Ray, S.I.,
Brahmpur P.S. is to the effect that on 09.04.2018 at about 08.00
P.M., at the petrol pump of the informant, Aditya Kumar Shahi
(deceased) and Binod Shahi were delivering petrol to the
customers. In the meantime, three persons on two motorcycles
came, got the tank filled with fuel and left the place. Thereafter,
six persons including the earlier persons came on two



motorcycles and tried to snatch the cash bag from the Aditya Kumar Shahi, when on protest being made, the accused persons resorted to fire on Aditya Kumar Shahi who scummed to the injury. Though the FIR was lodged against unknown accused persons but during investigation, the petitioner confessed that he has committed the offence.

It is submitted by learned counsel from the petitioner that only on the basis of confession, the accusation has been levelled against the petitioner. There is no recovery from the possession of the petitioner. It is further submitted that the petitioner has not been put on T.I. parade till date and it is further submitted that other co-accused persons, Mithilesh Kumar and Sonu have been granted privilege of bail by co-ordinate Benches of this Court vide order dated 06.12.2018 passed in Cr. Misc. Nos. 62895 of 2018 and 70113 of 2018. However, the petitioner is involved in one other case of similar nature but no statement has been made whether he is on bail or not in the said case.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of the co-accused persons.

Considering the fact that material on record does not



suggest any recovery from the possession of the petitioner and the petitioner has not been put on T.I. parade, in spite of the fact that investigation has already been concluded, let the above named petitioner 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 **C.J.M., Vaishali at Hajipur** in connection with **Vaishali (Belsar O.P.) P.S. Case No.87 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

U		T	
---	--	---	--

