

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13356 of 2019

Arising Out of PS. Case No.-140 Year-2013 Thana- GOH District- Aurangabad

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Vishudeo Mistri @ Suni Mistri @ Bishundeo Mistri, son of Late Dukhi Mistri, resident of Village-Raja Bigha, Police station-Salaiya, District-Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since 15.01.2018 in connection with Goh P.S. Case No.140 of 2013 registered for the offences punishable under Sections 147, 148, 149, 324, 353, 307, 326, 335, 379, 427, 302 of the Indian Penal Code, Section 27 of the Arms Act, ³/₄ of the Explosive Substance Act, 17 of the C.L.A. Act and Section 10 of the Unlawful Activities Act.

Prosecution case as per the fardbeyan of Suresh Prasad Rai, SAP Constable is to the effect hat on 17.07.2013 at 10:00 P.M., is that 30 SAP Constable are posted in MBL Construction Company. Suddenly four cars came in the camp



and 20 unknown persons dressed in the Commando uniform started indiscriminate firing, as a result, Rangnath Sharma, Shanker Baitha and three SAP constable were killed, leading to registration of FIR against unknown. During investigation, the name of the petitioner sprang up on the confession of Sridhar Pathak and Sanjay Kumar.

It is submitted by learned counsel for the petitioner that the petitioner's name has been surfaced on the basis of confession of co-accused. There is no recovery from the petitioner. Co-accused, Sridhar Pathak and Sanjay Yadav on whose confession, the name of the petitioner sprang up have been granted bail by a Coordinate Bench of this Court vide order dated 17.09.2014 passed in Cr. Misc. No.41322 of 2014. It is further submitted that the investigation has already been completed.

Learned A.P.P. has vehemently opposed the prayer for bail and submits that the petitioner is accused in five other cases in which he is on bail on all those cases.

Considering the fact that the name of the petitioner sprang up on the basis of confessional statement of co-accused who has already been granted bail by a Coordinate Bench of this Court, let the above named petitioner be enlarged 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 Chief Judicial Magistrate, Aurangabad in connection with Goh P.S. Case No.140 of 2013, with a condition that petitioner shall not indulge in any similar offence till conclusion of the trial and the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court below.

(Dinesh Kumar Singh, J)

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