

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16225 of 2019

Arising Out of PS. Case No.-738 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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RAMASHANKAR RAI Son of Late Dhaneshwar Rai R/o village-
Ramgarhwa Tola Badharwa, P.S.- Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
Mr. Abhishek Kumar
For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 29.10.2018 in a case registered for the offences punishable under Sections 302 and 120B/34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case as per the written report of Nilu Singh submitted to the SHO, Motihari Town Police Station is to the effect that on 20.10.2018 at about 7.30 P.M.- 8.00 P.M., co-accused Mithi alias Mithu Kumar came to the house of the informant and called her husband and took him outside where co-accused Mahanand Chaudhary, Sanjay Singh, Ashok Singh, Ajit Kumar and Nageshwar Rai were waiting and as soon as the husband of the informant reached there, co-accused Mahanand Choudhary fired on the neck of the husband of the informant, as



a result, the husband of the informant started staggering. Thereafter, co-accused Sanjay Singh also fired on the left side of abdomen of the informant's husband, whereafter the accused persons escaped from the scene. Thereafter, the informant and her brother-in-law took the victim to hospital but he succumbed to the injuries. The petitioner was not named in the FIR. His name surfaced in the confessional statement of co-accused Mahanand Choudhary.

It is submitted by learned counsel for the petitioner that in the FIR the accusation of firing has been made against co-accused Mahanand Choudhary and Sanjay Singh. It is further submitted that the since the petitioner is on litigating terms with co-accused Mahanand Choudhary, hence he has falsely been roped in the present case and co-accused Mahanand Choudhary lodged Motihari Mufassil P.S. Case No. 149 of 2016 and 122 of 2018 against the petitioner in which the petitioner is on bail. Moreover, there is no recovery from possession of the petitioner nor the petitioner has not been put on Test Identification Parade till date.

Considering the fact that the investigation has already been concluded, name of the petitioner sprang up in confessional statement of co-accused Mahanand Choudhary



with whom the petitioner is on litigating terms, coupled with the fact that the petitioner has not been put on Test Identification Parade till date and the period under custody, 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 the learned CJM, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 738 of 2018.

(Dinesh Kumar Singh, J)

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