

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20884 of 2019

Arising Out of PS. Case No.-259 Year-2018 Thana- DARBHANGA District- Darbhanga

Om Prakash @ Om Prakash Ray @ Kale, Son of Late Kusho Ray, Resident of
Mohalla- Neem Pokhar, Kadirabad, P.S.- L.N.M.U., District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 31.12.2018 in a case registered for the offence punishable under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Ram Prakash Rai recorded by A.S.I., Ramashankar Paswan, Benta O.P., on 30.12.2018 at 9.00 A.M., at D.M.C.H., Darbhanga is to the effect that on 29.12.2018 at about 9.00 P.M., when the son of the informant, after closing his shop was returning home, then all the FIR named eleven accused persons including the petitioner came and started abusing the son of the informant in the background of some old dispute. On protest being made, co-accused Bipin Rai and Md. Arzoo fired at the son of the informant and escaped from the scene. Thereafter, the son of the



informant was brought to D.M.C.H., Darbhanga, where he was declared dead at 9.55 P.M.

It is submitted by learned counsel for the petitioner that the specific accusation of firing is against co-accused, Bipin Rai and Md. Arzoo and investigation has already been concluded. It is further submitted that the petitioner was only a part of the mob. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR, and has helped in committing the crime.

Considering the fact that specific accusation of firing is levelled against the co-accused Bipin Rai and Md. Arzoo and the investigation already being concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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, Darbhanga** in connection with **Nagar P.S. Case No259 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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