

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1757 of 2019

Arising Out of PS. Case No.-11 Year-2008 Thana- MUSRIGHRARI District- Samastipur

Manoj Kumar Mishra @ Ashok Mishra, Son of Mohitkant Mishra, Resident of Mohalla- Morwa, P.S- Musarigharari, Dist- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bijay Bhushan Prasad, Advocate.
For the Opposite Party : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 11-04-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 15.05.2018 in a case for the offence registered under Sections 324, 326, 307, 302, 120(B)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 29.02.2008 at about 8.30 P.M. in the night, the petitioner alongwith his brother Nirranjan Mishra and two others came at the door of the informant and started indiscriminate firing and killed the son of the informant, her husband Ramanand and agnate Sudhanshu.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses



alleged against the petitioner. The petitioner has falsely been implicated in the present case. Earlier the own brother of the petitioner was kidnapped and murdered by the informant's side. For which, a case was also instituted on the informant side. The informant is not an eye witness to the alleged occurrence. The deceased is said to have died in gang war. There is no other substantive evidence to suggest the implication of the petitioner in the present case. Other co-accused has been granted bail by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 36779 of 2008 order dated 02.12.2008.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned C.J.M., Samastipur, in connection with Musarigharari P.S. Case No. 11 of 2008.

(Sudhir Singh, J)

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