

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38054 of 2019

Arising Out of PS. Case No.-264 Year-1999 Thana- KHARIK District- Bhagalpur

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BAMBAM KUMAR @ BAMBAM KUNWAR Son of late Bino Kunwar @ Bindeshwari Kunwar Resident of Village - Dhruv Ganj, P.S.- Kharik, Distt - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-08-2019 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in Kharik P.S. Case No. 264/1999, instituted for offence under Section(s) 302/34 of the Indian Penal Code.

It is alleged in the written report that on the date of occurrence brother of informant was sleeping on the Machan near the cattle. At about 1 A.M. at night informant heard sound of firing. Thereafter he focused torch light and saw this petitioner along with four other persons near his brother. He concealed himself in Banana field. After sometime he saw gun shot injury on upper hand of his brother. His neck was also cut .

From the written report it appears that informant had



not seen the petitioner committing aforesaid occurrence.

Learned counsel for the petitioner has submitted that there is no allegation of specific overt act against this petitioner in the written report. There was no source of identification of petitioner at 1:00 A.M. at night.

Petitioner is in custody since 04.11.2018.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. 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 2nd Addl. Sessions Judge, Naugachia, in connection with Kharik P.S. Case No. 264/1999, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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