

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36129 of 2019

Arising Out of PS. Case No.-176 Year-2017 Thana- BIHARIGANJ District- Madhepura

MD. MIKHAIL S/o Md. Rajjak Resident of Village- Kantahi, P.S.- Gwalpara,
District- Madhepura, Presently residing at Village- Kusthan, P.S.- Bihariganj,
District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner seeks bail in a case instituted for the
offences under Section 302 of the Indian Penal Code and 27 of
the Arms Act.

The prosecution case in short is that the unknown
accused person shot fire at the husband of the informant while
he was returning home due to which he died.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 16.2.2019 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been
submitted in the present case. The petitioner is not named in



the F.I.R. The name of the petitioner has transpired in course of investigation on the basis of confession of co-accused. The said co-accused has stated that prior to the occurrence, the petitioner was lastly seen by the side of the place of occurrence. There is no eye-witness to the alleged occurrence. Except for this, there is no other substantive evidence to suggest his implication in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that 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 Judicial Magistrate, 1st Class, Uda Kishunganj, Madhepura in connection with Bihariganj P.S. Case No. 176 of 2017.

(Sudhir Singh, J)

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