

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38318 of 2019**

Arising Out of PS. Case No.-231 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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PAPPU MISHRA @ ASHISH MISHRA Son of Shri Bharat Mishra @
Bharatlal Mishra Resident of Village- Sabji Chowk, Barari, P.S.- Barari,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Lalan Kumar

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 01-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 302/34 of the Indian Penal Code.

The prosecution allegation in short is that the accused
persons fired upon the brother of the informant due to which he
sustained and later died on way to hospital.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 21.2.2019 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 has falsely been
implicated in the present case. As per the F.I.R., 10 accused



persons surrounded the deceased and fired upon him. The informant claims himself to be an eye witness but the petitioner has not been named in the F.I.R. The name of the petitioner has transpired in course of investigation on the basis of confession made before the police. 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 learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 231/2018.

(Sudhir Singh, J)

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