

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52037 of 2018

Arising Out of PS. Case No.-29 Year-2018 Thana- BUXAR INDUSTRIAL District- Buxar

Jai Prakash Mishra @ Ghutur Mishra, S/o Shiv Shankar Mishra, R/o Mohalla-
Civil Lines, P.S.- Buxar (Town), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar
For the Opposite Party/s : Smt. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302/34 and 120B of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Shailendra Kumar Chaubey recorded by SI Bhagwan Pandey, Buxar Industrial Area, dated 27.02.2018 at Vishwamitra Hospital Buxar at 07.25 P.M., is to the effect that on 27.02.2018 at about 5.30 P.M., in the evening the younger brother of the informant Brij Raj Choubey @ Chunnu Choubey was returning home along with the petitioner Jai Prakash Mishra, but on the way, two miscreants on motorcycle came and the pillion rider shot at the brother of the informant and subsequently he was declared



dead during treatment in the hospital. The name of the petitioner sprang up during investigation since it was suspected that the petitioner was having some relationship with the wife of the deceased Chunnu Choubey.

It is submitted by learned counsel for the petitioner that the occurrence is of 27.02.2018, when for the first time the requisition was filed for issuance of warrant on 07.07.2018 only on the basis of suspicion. As per the FIR, admittedly the petitioner was not named because he was accompanying the deceased. A statement has been made in paragraph no. 3 of the petition that the petitioner is also named in four other cases in which he is on bail.

Learned APP after going through the case diary submits that the suspicion has been raised since the petitioner has some relationship with the wife of the deceased.

Considering the belated implication on the petitioner on the basis of suspicion, coupled with the fact that the specific case against the petitioner was of accompanying the victim but he was not named in the FIR, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten



thousand) with two sureties of like amount each to the satisfaction of learned **CJM, Buxar** in connection with **Buxar (Industrial Area) P.S. Case No. 29 of 2018** subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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