

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42287 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- KUTUMBA District- Aurangabad

RAMASHANKAR MISHRA S/o Late Rameshwar Mishra R/o Village- Pipra
Begahi, P.S.- Kutumba, District- Aurangabad (Bihar)

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh

For the Opposite Party/s : Mr.Mohammed Arif APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 27-09-2019 Heard learned Counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Kutumba PS Case No. 32 of 2019 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the Court of ACJM VII Aurangabad.

It is submitted by petitioner's Counsel that other than confessional statement of the petitioner, and the informant, namely Ajay Pathak there is nothing on record to sustain the allegation of committing murder or aiding in commission of murder of wife of Ajay Pathak. The earlier FIR lodged by Ajay Pathak also does not make any allegation against the petitioner of causing death of his wife. The FIR and the confessional statement contained two different versions of story which cannot be reconciled at all.

Learned APP submits that the petitioner is alleged to have aided in commission of murder by Ajay Pathak. He has actively participated and is not entitled to consideration for bail.

Having considered rival submissions of the parties this Court is inclined to allow petitioner's prayer for bail. The same is allowed.



Let the petitioner above named be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM VII Aurangabad in Kutumba. PS Case No. 32. of 2019 on the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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