

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47027 of 2019

Arising Out of P.S. Case No.-104 Year-2019 Thana- BUXAR MUFFASIL District- Buxar

1. Jhunna Shukla @ Amrendra Shukla, aged about 40 years, Male, Son of Late Kashi Sukla @ Kashinath Shukla Resident of Village - Mishrawaliya, P.S.- Buxar Muffasil, District- Buxar
2. Pawan Shukla, aged about 18 years, Male, Son of Jhunna Shukla @ Amrendra Shukla Resident of Village - Mishrawaliya, P.S.- Buxar Muffasil, District- Buxar

... .. Petitioners

Versus

The Sate Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Birendra Kumar Singh, Advocate
For the Opposite Party : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-10-2019 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and perused the case diary.

The petitioners are in custody in connection with Buxar Muffasil P.S.Case No.104 of 2019 registered for an offence under Sections 302/34 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant alleges that FIR named accused fired upon the brother of the informant as a result of which he received injuries thereafter, during course of treatment he died in the hospital. It further appears that during course of investigation, the name of the petitioners have figured.

It is submitted on behalf of the petitioners that the petitioners are not named in the FIR. The name of the petitioners have come on the basis of confessional statement of



co-accused Shambhu Kumar Shukla. Save and except suspicion, there is nothing against the petitioners to connect them with the alleged offence. It is also submitted that both the petitioners are father and son, having no criminal antecedent and they are in custody since 16.05.2019, chargesheet having been submitted.

Considering the aforesaid facts and circumstances, let the petitioners above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar Muffasil P.S.Case No.104 of 2019 with following conditions:-

(i) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

B.Kr./-

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(Prabhat Kumar Singh, J)

