

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60471 of 2019

Arising Out of PS. Case No.-303 Year-2012 Thana- SITAMARHI District- Sitamarhi

KISHORE KUMAR SHAHI @ MITHAI LAL @ MITHAI LAL SINGH Son
of Ashok Shahi Resident of Village-Punaure, P. S.- Punaure, District-
Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-12-2019 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in **Sitamarhi P. S. Case No. 303
of 2012** instituted for the offence under Section(s) 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

It is submitted by the petitioner's counsel that the he has
been implicated in the instant case merely on the basis of
confessional statement of co-accused. The case is of the year
2012. The allegation was against co-accused, namely, Sumitra
Devi that upon her instructions two unknown persons fired upon
the informant's father.

After considering the entire issue and detailed
investigation, the police has submitted a Final-Form on



31.05.2015. It is only, thereafter, that the Court has taken cognizance of the offences on 22.02.2016, and as such, the petitioner has been taken into custody under the said circumstances, only on the basis of confessional statement of one of the co-accused. The petitioner is in custody since 21.06. 2019. It has further been submitted that the statement has no evidentiary value and, other than that, there is not even an iota of material in the entire investigation against the petitioner. The petitioner is on bail in Sitamarhi P. S. Case No. 657 of 2011 and, thereafter other than this case, there is no other criminal proceedings pending against the petitioner to the petitioner's knowledge.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate Sitamarhi**, in connection with **Sitamarhi P. S. Case No. 303 of 2012**, subject to 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 and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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