

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66457 of 2019

Arising Out of PS. Case No.-6 Year-2013 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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MUKESH KUMAR @ MUKESH YADAV Son of Krishna Yadav Resident of
Village- Lahariya Pokhar, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary
For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 04-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Section 302 of the Indian Penal Code and 27 of
the Arms Act.

The prosecution case in short is that the accused
persons caused death of the brother of the informant due to fire
arms injury.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 11.6.2019 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 informant is the brother of



the deceased. As per the informant, the deceased after sustaining fire arms injury came to him and disclosed that some of the miscreants had injured him. On the basis of the same, F.I.R. was drawn as disclosed by the informant against unknown persons. After investigation, the police submitted police report finding the case to be true but no clue. Subsequently, further investigation was directed in which a witness namely Ranjan Kumar was examined after a period of approximately one year who disclosed the name of the petitioner and other miscreants on the basis of disclosure made to him by the deceased. The statement made by the informant and this witness, both of them came to know about the occurrence as per disclosure made by the deceased, are contradictory to each other. The aforesaid witness happened to be the seizure list witness in the earlier investigation but no such petition at any point of time was filed/made by him or by the informant which disclosed the participation of the petitioner during the first investigation.

On behalf of the State and the informant, it is submitted that the petitioner is 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 A.C.J.M. Railway, Patna in connection with
Bakhtiyarpur (Barh) Railway P.S. Case No. 6/2013.

(Sudhir Singh, J)

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