

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39802 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- TISIAUTA District- Vaishali

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Sambhav Kumar Mishra @ Shambhav Kumar Mishra Son of Ganga Nath Mishra Resident of Village and P.O. Kothiya, District - Madhubani. At present Resident of village - Rukundpur, Dabhaich, P.S. - Tisiauta, District - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra

For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-10-2021 Heard both parties.

The petitioner seeks bail in Tisiauta P.S. Case No. 22 of 2021, registered for the offence punishable under Sections 302/120B of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on the alleged date and time of occurrence, while the nephew of informant Raja Babu @ Raja Kumar was taking dinner, in the meantime, two persons in between age group of 18-25 came on motorcycle at his door and called his nephew. When his nephew came at the door, one person who was seated behind, fired upon him, causing his death on the way to hospital.

It is submitted on behalf of the petitioner that



petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case. In fact, co-accused Veena Singh and deceased were studying in the same coaching and there was love affair between them. Veena Singh was pressuring Raja Kumar to marry her, but he refused her proposal of marriage. Veena Singh and her friends threatened the deceased to get out from the life of co-accused Veena Singh otherwise he would be shot. Therefore, informant and his family members suspected that Veena Singh along with her friends after hatching up conspiracy killed the deceased. Save and except suspicion there is no other substantive material which shows culpability and complicity of the petitioner in the alleged occurrence. Petitioner is in custody since 24.03.2021 having clean antecedent. Chargesheet has already been submitted.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged 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 learned Judicial Magistrate Ist Class, Hajipur, Vaishali in connection with Tisiauta P.S. Case No. 22 of 2021, subject to following conditions:-



(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers 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 petitioner.

(Prabhat Kumar Singh, J)

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