

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8431 of 2022**

Arising Out of PS. Case No.-21 Year-2021 Thana- KARAMCHAT District- Kaimur (Bhabua)

Mirtunjay Misra Son of Late Baijnath Misra Resident of Village- Virnagar,  
P.S.- Chenari, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

4      14-12-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s),if any, as pointed out by the office,  
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Karamchat P.S. Case No. 21 of 2021 registered  
for the alleged offences under Sections 302 and 120(B) and  
Section 25(1-b)a, 26 and 27 of the Arms Act.

As per prosecution case, the FIR named co-accused  
persons surrounded and killed the husband of the informant by  
shooting him dead. A person who tried to raise alarm was also  
shot dead by the miscreants. The occurrence took place due to  
previous enmity between the parties. The name of the petitioner  
transpired during investigation as one of the accused persons



who supplied firearms and ammunition to one of the co-accused persons.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Though, the informant named a number of co-accused persons who fired upon on her husband, she did not name this petitioner. The name of the petitioner came up in the confessional statement of co-accused Pappu Paswan as one of his associates who provided a country made *katta* and eight cartridges to him. But neither the fire arm nor the cartridges were recovered from the possession of this petitioner. The petitioner has not been put to any Test Identification Parade. There is no direct or indirect allegation of firing against the petitioner. There is no cogent material available on record to show the complicity of the petitioner in the alleged crime. The petitioner is in custody since 10.04.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that it was the petitioner who provided the firearm which was used in killing the husband of the informant as well as one more person.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the nature of allegation with lack of substantive material against the petitioner and also considering his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhabhua (Kaimur) in connection with Karamchat P.S. Case No. 21 of 2021 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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