

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13469 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- HALSI District- Lakhisarai

Sunil Mistri @ Computer Son of Sadhu Mistri Resident of Village - Koli,
P.S.- Halsi, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), 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 S.T. No. 171 of 2021 arising out of Halsi P.S.
Case No. 169 of 2021 registered for the alleged offences under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per prosecution case, the informant/co-accused
Gulful Devi gave a written report to the police regarding murder
of her husband by the FIR named co-accused persons and two
unknown miscreants who fired upon the husband and shot him
dead. However, during investigation the fact came to the



knowledge that the informant was having illicit relationship with her brother-in-law and she hatched a conspiracy and got her husband murdered. The name of the petitioner came up during investigation for being involved in the murder of the husband of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR and allegation of firing is against other co-accused persons who are named in the FIR. The name of the petitioner came up during investigation on the basis of secret information received by the police from its informer but nothing substantive came up against the petitioner during the whole investigation. Other co-accused persons namely Rudal Dhadhi and Gulful Devi has been granted bail vide order dated 16.11.2022 passed in Cr. Misc. No. 4364 of 2022 by this Court. The petitioner is in custody since 21.08.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the submission of charge-sheet and detention period of the petitioner, 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 Chief Judicial Magistrate, Lakhisarai in connection with S.T. No. 171 of 2021 arising out of Halsi P.S. Case No. 169 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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