

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29614 of 2021**

Arising Out of PS. Case No.-172 Year-2020 Thana- NAUHATTA District- Saharsa

HIRA MISTRI S/O SRI BINDESHWARI MISTRI R/O VILLAGE-SHAHPUR RAMJI TOLA, P.S.-NAWHATTA, DISTRICT-SAHARSA (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anant Kumar 1, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      20-01-2022                      Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated by the informant that she woke up on hearing the sound of firing and saw five accused persons, whom she did not recognise, running away. Her husband who had been shot, on being taken to the hospital was declared dead.

It is submitted by learned counsel for the petitioner that the FIR was registered against Lakhan Yadav, Naresh Mistri and 4-5 unknown. The petitioner was not named in the FIR. He



was subsequently falsely implicated in the case because of his being the brother of the FIR named accused Naresh Mistri. Even from the statement of the witnesses under section 161 Cr.P.C. it would be evident that none of them are eye witness to the actual occurrence. They only claim to have seen the accused persons running away. The petitioner is in custody since 7.11.2020 and chargesheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioner being in custody for over 1 year and the investigation in the case having concluded, the petitioner is directed to be enlarged on bail in connection with Bodh Nawhatta P.S. Case no. 172 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Saharsa.

**(Partha Sarthy, J)**

Spd/-

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