

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65231 of 2021

Arising Out of PS. Case No.-85 Year-2021 Thana- MAHISHI District- Saharsa

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SURESH MUKHIYA @ SURESH SAHNI Son of Feku Mukhiya Resident of
Village - Dah, P.S.- Bakhtiyarpur (Kanariya O.P.), Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

As per the prosecution case, it is stated that information was received by the informant from Parvej Alam about his father having been shot dead by the accused persons. On reaching the place of occurrence he saw that his father had been killed.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. In course of investigation the confessional statement of co-accused Rahul Kumar was recorded in a different case wherein he stated that



the occurrence had been given effect to on the instructions of Shyam Sundar Yadav and as per his confessional statement the assailants were Sanjay and Pankaj. It is submitted that Shyam Sundar Yadav has been enlarged on bail vide order dated 29.3.2021 passed in Cr. Misc. no. 51414 of 2021 and even as per the said confessional statement the petitioner is not the assailant. He is in custody since 4.6.2021 and investigation in the case has concluded.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, there being no direct material against this petitioner, grant of bail to co-accused Shyam Sundar Yadav and investigation in the case having concluded, the Court directs the petitioner to be enlarged on bail in connection with Mahishi P.S. Case no. 85 of 2021 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 2nd Additional Chief Judicial Magistrate at Saharsa.

(Partha Sarthy, J)

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