

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67014 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- DEHRI TOWN District- Rohtas

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Gaurav Kumar, Son Of Benketesh Mishra @ Binay Kumar Mishra, Resident
Of Kali Asthan, Rajputan Mohalla, Dehri - On- Sone, P.S.- Dehri (Nagar),
District- Rohtas.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai

For the Opposite Party/s : Mr. Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 10.02.2021, charge-sheet has been submitted in the case and has antecedent of one case.

The learned counsel for the petitioner submits that the informant in the F.I.R. alleges that on 09.02.2021 at 8:15 P.M., his wife (deceased) along with her staff, Pappu Kumar after closing the medicine shop was returning home when an accused came on foot and shot the deceased from behind on her neck, who died. It is further alleged that his wife was killed by the named accused persons



including the petitioner who is owner of a student book shop.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the entire allegation hinges around suspicion. It is further submitted that the informant is not an eye-witness to the occurrence, nor Pappu Kumar disclosed the name of any of the assailant rather he stated that an unknown assailant shot the deceased. Learned counsel submits that the petitioner is also carrying business of book in the same locality where the medicine shop of the deceased was located, as such, the petitioner, the deceased and the informant were known to each other, further the petitioner was even known to Pappu Kumar also.

Learned counsel further submits that it absolutely does not stand to reason that on what basis the informant came to know that the named accused persons, who are all businessmen of the same locality, connived and got his wife killed. Learned counsel further submits that statement of Pappu Kumar was recorded at paragraph '67' of the case diary and he has not made any allegation against the petitioner nor has claimed to identify any of the accused rather according to him, he had seen one person fleeing after the occurrence whom he could not identify. It is further submitted that since the petitioner, the informant and his wife were doing business in the same locality, as such, they were known to each other for a very long period and there was absolutely no motive for the petitioner to



commit the occurrence, nor any motive has been alleged in the F.I.R. also.

The learned counsel for the petitioner submits that father of the petitioner has been granted bail by order dated 21.03.2022 in Cr. Misc. No.61110 of 2021 (Benketesh Mishra @ Binay Kumar Mishra vs. the State of Bihar).

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and co-accused has been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No.157 of 2021 arising out of Dehri Town P. S. Case No.108 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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