

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6452 of 2023

Arising Out of PS. Case No.-257 Year-2021 Thana- BARAUNI District- Begusarai

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Moti Nishad Son Of Baudhu Nishad R/O Village- Malhipur Bind Toli, P.S.-
Barauni (CHAKIYA), District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under section 302 and
34 of the IPC and Section 27 of Arms Act.

The prosecution case in brief is that husband of
the informant had gone to attend the marriage ceremony. In
the meantime, co-accused persons including the petitioner
also arrived there and hot talk exchanged between the
accused persons and husband of the informant. Accused
persons along with the petitioner fired upon husband of the
informant due to which he became unconscious and fell



down, thereafter he was taken to hospital where doctor declared him dead.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Informant is not an eye witness of the said alleged occurrence. As per FIR, there is no specific allegation of firing upon the petitioner rather it is a general and omnibus allegation leveled against him. He has got no criminal antecedent. Similarly situated co-accused has already been granted bail by this Court vide order dated 13.03.2023 passed in Cr. Misc. No. 71162 of 2022. It is further submitted that the petitioner is languishing in judicial custody since 10.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Barauni Chakiya P.S. Case No. 257 of 2021 on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like
amount each to the satisfaction of learned C.J.M.,
Begusarai.

(Sunil Kumar Panwar, J)

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