

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32277 of 2023

Arising Out of PS. Case No.-287 Year-2017 Thana- GARKHA District- Saran

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Krishna Rai @ Krishna Yadav Son Of Dinanath Yadav @ Tona Rai @
Shatrughan Rai Resident Of Village- Bhalui, Ps- Marhowrah, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 147, 148, 149, 341, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The allegation as per F.I.R is that the informant and his Samdhi were proceeding towards Chapra court on two different motorcycles. When the informant stopped at Petrol Pump for refueling his motorcycle, he heard gunshots, ran towards the alleged place of occurrence and found that accused persons have



surrounded his Samdhi and opened fire which finally resulted into the death of his Samdhi Ramendra Sharma.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R and his name subsequently sprang up during the course of investigation. There is no eye witness to the occurrence. The petitioner was not apprehended from the spot. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 21.10.2022. Moreover, other similarly situated co-accused has been granted bail by a coordinate Bench of this Court vide order dated 22.03.2023 passed in Cr. Misc. No. 12963 of 2023.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be



released on bail on furnishing bail bonds of Rs. 10,000/-
(Ten Thousands) with two sureties of the like amount
each to the satisfaction of learned Additional District
Judge-VII, Saran in connection with Garkha P.S. Case
No. 287 of 2017(Sessions Trial No. 499/2018).

(Sunil Kumar Panwar, J)

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