

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43924 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- MAHUA District- Vaishali

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Shailesh Kumar Son Of Awadhesh Rai @ Avadesh Kumar Resident Of
Village - Baikunthpur, P.S. - Rajapakar, Distt. - Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mrs. Usha Kumari Singh
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh
For the State	:	Mr. Shailendra Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2023 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 sections 304, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the allegation against three unknown miscreants is that they fired upon the husband of the informant, while informant, her husband and children were going to the house of her brother-in-law.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Both



parties are next door neighbour and as per impugned order, it appears that the petitioner was not present at the place of occurrence rather telephonically, he was in contact with co-accused, namely, Babloo Kumar and upon his confessional statement the petitioner has falsely been implicated in this case. Neither the petitioner is named in the FIR nor any cogent material has come out against him. He has got no criminal antecedent. It is further submitted that no specific overt-act of open firing levelled against the petitioner and nothing incriminating article has been recovered from his conscious possession. Moreover, he is languishing in judicial custody since 24.05.2023.

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 custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahua P.S. Case No. 35 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned Judicial
Magistrate, Ist Class, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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