

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13391 of 2024

Arising Out of PS. Case No.-535 Year-2023 Thana- KHAGARIA District- Khagaria

Milan Kumar Son of Late Dinesh Sah Resident of Village- Bhadas South,
Police Station Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Khagaria (Muffasil) P.S. Case No. 535 of 2023 instituted for the
offence under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Prosecution case in short is that while the
informant along with his brother was at a shop, the accused
persons, variously armed, came at the shop and surrounded
them. It is further alleged that Manoj Kumar Gupta fired upon
his brother and other accused persons indiscriminately fired at
the brother of the informant due to which he died.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 17-07-2023. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Charge sheet has already been submitted in this case. General and omnibus allegation has been made against the petitioner. No specific allegation is alleged against the petitioner. Specific allegation of firing is made against co-accused, Manoj Kumar Gupta. The postmortem report shows one entry of wound at temporal region and does not show multiple injuries. Other co-accused has been granted bail by this Court *vide* order dated 19-03-2024, passed in Cr. Misc. No. 85278 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner, charge sheet being submitted and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Khagaria
(Muffasil) P.S. Case No. 535 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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