

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13905 of 2024

Arising Out of PS. Case No.-364 Year-2022 Thana- BAGHA District- West Champaran

Khilesh Kumar Son of Sri Nagina Prasad @ Nagina Mahto Resident of
Village- Sirisiya Chorahi, P.S.- Jogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sharad Kumar Verma, Advocate
For the State	:	Mr. Dashrath Mehta, APP

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

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bagaha
P.S. Case No. 364 of 2022 instituted for the offence under
Sections 302, 120B & 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. Prosecution case in short is that some unknown
miscreants has fired upon the son of the informant due to which
he died and later on his dead body was found near pond.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 30-10-2023. Petitioner
bears two criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Mintu Tiwari, and the same has no evidentiary value. There is neither any eye-witness to the occurrence nor there is any specific allegation against the petitioner. Other co-accused has been granted bail by a Co-ordinate Bench of this Court, *vide* order dated 15-05-2023, passed in Cr. Misc. No. 10903 of 2023. Charge sheet has already been submitted in this case.

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, no direct allegation against the petitioner 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 Bagaha P.S. Case No. 364 of 2022.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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