

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68382 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- SARAI District- Vaishali

Lalit Mishra @ Lalit Kumar @ Kuisha @ Chhotu Kumar S/o Bhushan Mishra
R/o Village- Akhtiyarpur Patedha (Patera), P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sarai
P.S. Case No. 11 of 2024 instituted for the offences under
Sections 302, 120B of the Indian Penal Code and Section 27 of
the Arms Act.

3. Prosecution case, in short, is that, all the FIR named
accused persons surrounded the husband of the informant. The
co-accused Sanjeet Kumar and Sanjay Kumar fired from their
pistol on him due to which informant's husband sustained
injuries and died at the spot.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of the co-accused but the same has no evidentiary value in the eye of law. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that the specific allegation of firing upon the deceased is attributed to co-accused Sanjeet Kumar and Sanjay Kumar. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.07.2024 and has one criminal antecedent. The co-accused person has already been granted bail by this Bench vide order dated 28.06.2024 passed in Cr. Misc. No. 46687 of 2024.

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

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Sarai P.S. Case No.
11 of 2024.

Alok Verma/-
(Rudra Prakash Mishra, J)

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