

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29258 of 2015

Arising Out of PS.Case No. -271 Year- 2015 Thana -KHAZANIHAT District- PURNIA

Binay Sah @ Binay Kumar @ Vinay Kumar S/o Dashrath Sah @ Dashrath Prasad Gupta Resident of New Sipahitola Maranga, P.S. K. Hat, District Purnia.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Hemant Kumar

For the Opposite Party/s : Mr. Md.Fahimuddin(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 06-10-2015 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with K. Hat (Sahayak) P.S.Case No. 271 of 2015 registered under Sections 302, 120B/34 IPC and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that though the petitioner is named in the FIR as one of the accused persons yet there is no specific allegation against this petitioner. Learned counsel further submits that the petitioner has been named on the basis of some mischievous elements of the area as he is a student of a Polytechnic situated nearby the place of occurrence. It is also submitted by learned counsel that the enmity between the brother of the informant and Rakesh, Boku Sharma, Dhananjay @ Chotu

Yadav and also Rahul has been detailed in the aforementioned FIR. So far as the petitioner is concerned, they are not known to him. Moreover, he is just said to have participated and come along with them but there is no specific allegation of his having fired leading to the death of the brother of the informant.

Considering the general nature of allegation made against the petitioner and that he is a student of Polytechnic and, as stated, was undergoing some training at Bhagalpur, let the petitioner, above named, in the event of his arrest/surrender in the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each in connection with K. Hat (Sahayak) P.S.Case No. 271 of 2015 to the satisfaction of the Chief Judicial Magistrate, Purnia, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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