

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55359 of 2015

Arising Out of PS.Case No. -120 Year- 2011 Thana -ALOULI District- KHAGARIA

Vijay Sah son of Late Asharfi Sah, Resident of Village- Manrupa, Police Station- Alauli, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 14-12-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that the informant Balram Sada along with his brother Gangaram Sada was going home but in the way the petitioner and others surrounded them when co-accused Magan Sada and Kari Sada shot at the brother of the informant.

It is submitted by learned counsel for the petitioner that, though, the petitioner was named in the FIR but specific overt act has been alleged against co-accused Magan

Sada and Kari Sada. On conclusion of the investigation the petitioner was not sent up for trial but differing with the final form cognizance has been taken.

Considering the fact that the petitioner was not sent up for trial and a statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 120 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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