

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5522 of 2015

Arising Out of PS.Case No. -1140 Year- 2006 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Munna Chauhan

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar

For the Opposite Party/s : Mr. Sucheta Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 120B and 302 of the Indian Penal Code.

It is alleged that the informant was sleeping with his son under a tree when someone fired on the son of the informant. The informant saw two of them fleeing away from the place of occurrence. The FIR was lodged against unknown. On conclusion of the investigation, the petitioner was not sent up for trial but subsequently, on protest petition, where plea was taken that the victim conveyed to the informant that he identified the petitioner and one Rajesh Chauhan, the

cognizance was taken. Though, the victim succumbed to the injuries on 11.08.2006.

It is submitted by learned counsel for the petitioner that though on the protest petition, the cognizance has been taken on 06.06.2007, but further proceeding was stayed and ultimately the warrant was directed to be issued vide order dated 12.06.2014. It is further submitted that in the FIR the informant has not suggested that anything was conveyed by the victim to her. Moreover, she state in the protest petition that three persons along with the petitioner fired but the postmortem report reflect only one gunshot injury. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Buxar in connection with Complaint Case No. 1140C of 2006, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The learned court below will be at liberty to cancel

the bail bonds of the petitioner if he defaults for two consecutive occasions or substantially gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

Amrendra/-

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