

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14535 of 2015

Arising Out of PS.Case No. -145 Year- 2013 Thana -BITHAN BAZAR District- SAMASTIPUR

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Chotey Yadav @ Kanhaiya Lal Murari, S/o Ram Swarath Yadav, resident
of village - Larjha, Police Station - Bithan, District - Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Advocate

For the Opposite Party/s : Mr. R.B.Roy Raman(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 21-05-2015 Heard learned counsel for the petitioner and the

learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Bithan P.S. Case No.145 of 2013 for allegedly having
committed the offences under Sections 302/34 and 379/120B of
the Indian Penal Code, Section 27 of the Arms Act and Section
3/4 of the Explosive Substances Act.

Learned counsel for the petitioner submits that the
petitioner has not been said to have participated in the main
occurrence of indiscriminate firing, which led to the death of the
son of the informant as well as that of one more person. Learned
counsel for the petitioner further submits that so far as the
allegations against the petitioner is concerned, it has been stated
in the F.I.R. that the petitioner was found to be using the

explosive substance at a distance of 30 meters from the actual place of occurrence. Learned counsel for the petitioner submits that in the subsequent statement made in the case diary by the informant, there is no mention of use of some explosive substances by anyone.

Considering the aforementioned submissions and also the fact that the petitioner has only one criminal antecedent, as stated in paragraph 3 of the petition, and that no overt act has been attributed to this petitioner, let the above named petitioner, in the event of his arrest or surrender before 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Rosera at Samastipur, in connection with Bithan P.S. Case No.145 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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