

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26811 of 2015

Arising Out of PS.Case No. -10 Year- 1997 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

1. Upendra Kumar @ Upendra Yadav @ Lagan Gope @ Ram Lagan Gope
@ Umesh Yadav son of Late Laldhari Yadav resident of village- Lalbag,
P.S.- Deepnagar, District- Nalanda.

.... Petitioner/s
Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ansuaiya Jaiswal (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 307/34 of the Indian Penal Code and 27 of the Arms Act.

The FIR was lodged against unknown when one Chhote Yadav alias Bhairo Yadav came to the door of the informant with bleeding injury on his back who suggested that some unknown person fired at him.

On conclusion of investigation the petitioner was not sent up for trial and the final form was accepted but the petitioner has been summoned in exercise of jurisdiction



under section 319 Cr.P.C. during trial of the two co accused. Initially the application of section 319 Cr.P.C. was rejected by the learned trial court but the same was challenged before this court vide Cr. Misc. No. 23953 of 2011 wherein this court set aside the order of the learned trial court vide order dated 10.4.2015 and consequently, the petitioner has been summoned. It is submitted by the learned counsel for the petitioner that out of seven witnesses, four have been declared hostile and only one witness has named the petitioner.

Considering the fact that in the case instituted in 1997 the petitioner has been summoned in 2015 when the petitioner was neither named in the FIR nor sent up for trial and the impugned order does not discuss the evidence on the basis of which the petitioner has been summoned in exercise of jurisdiction under section 319 Cr.P.C., 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 twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions judge IV, Nalanda in connection with S.T. No. 406 of 1999 arising out of Laheri P.S. Case No. 10 of 1997 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The learned court below shall be at liberty to

cancel the bail bonds of the petitioner in case the petitioner defaults without any reasonable cause on two consecutive occasions.

(Dinesh Kumar Singh, J)

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