

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27094 of 2015

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

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1. Sharwan Yadav @ Sharwan Kumar Son of Baleshwar Yadav resident of
Village- Lalbag,P.s Deepnagar, Dist- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Arun Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 03-07-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections
307/34 of the Indian Penal Code and section 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)

Anil/-

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