

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54315 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -KHIJARSARAI District- GAYA

1. Nagina Yadav,
2. Shyam Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-12-2015

At the outset, it is submitted by learned counsel for the petitioners that petitioner no. 1 Nagina Rai has been arrested. Hence, this application so far as it relates to petitioner no. 1 has become infructuous.

Heard learned counsels for the petitioners and the State.

The petitioner no. 2 is apprehending arrest in a case registered for the offences punishable under Sections 147,148,149 and 307 of the Indian Penal Code and section 27 of the Arms Act.

It is alleged that petitioners and others caught hold of the hands of the informant, thereafter Pappu Yadav fired causing injury on the chest of the informant.

It is submitted by the learned counsel for the petitioners that specific overt act has been alleged against co accused Pappu Yadav. The injury report does not reflect any resisting injury on

the hand and legs of the informant except fire arm injury on the chest whereas it is submitted by learned counsel for the informant that the petitioners assisted the main accused Pappu yadav to cause fire arm injury. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the accusation not being corroborated with the medical opinion, let the above named petitioner no. 2 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 JM Ist Class, Gaya in connection with Khijarsarai P.S. Case No. 19 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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