

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9533 of 2016

Arising Out of PS.Case No. -59 Year- 2011 Thana -ATHMALGOLA District- PATNA

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Kundan Kumar son of Navin Kumar resident of village - Fulelpur, Police
Station - Athmalgola and District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Md. Ansural Haque(App)

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

02/ 01-03-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
302/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that on 30.04.2011
at 10.00 P.M. the husband of the informant went to sleep on the
roof of the house. At 2.30 A.M. the informant woke up on
hearing the gun shot firing and saw the petitioner and co-accused
Chandan Kumar escaping from the scene with pistol.

It is submitted by learned counsel for the
petitioner that though the petitioner was named in the FIR but on
conclusion of the investigation the petitioner was not sent up for
trial. The final form was submitted on 06.08.2011 whereas co-

accused Chandan Kumar was charge-sheeted but differing with the final form vide order dated 15.12.2015 the learned Magistrate took cognizance against the petitioner. Though the petitioner is accused in one other case but he is on bail and petitioner undertakes to appear regularly before the learned court below.

Considering the fact that on conclusion of the investigation the petitioner was not sent up for trial, 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Athmalgola P.S. Case No. 59 of 2011, subject to the conditions as laid down under Section 438(2) of the 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.

(Dinesh Kumar Singh, J)

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