

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23765 of 2016

Arising Out of PS.Case No. -289 Year- 2015 Thana -MALSALAMI District- PATNA

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Paley son of Sri Lakshman Prasad, Resident of Sawarchak Hata, P.s.-
Malsalami, Distt.- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 26-05-2016

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 the son of the
informant, namely, Shubham Kumar was shot at in his chest by
co-accused Arvind Paswan. It is alleged that the petitioner and
four unknown were accomplice of Arvind Paswan at the relevant
time and subsequently the victim was brought to the hospital
where he succumbed to the injury.

It is submitted by learned counsel for the
petitioner that admittedly the informant is not the eye witness of

the occurrence. It has not been disclosed by the informant that who suggested the informant that the petitioner was accomplice of Arvind Paswan and even assuming the accusation no overt act has been alleged against the petitioner.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, 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 Judicial Magistrate, Ist Class, Patna City in connection with Malsalami P.S. Case No. 289 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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