

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9035 of 2016

Arising Out of PS.Case No. -253 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

Santosh Kumar Rai, son of Prahalad Rai, R/o Adarsh Nagar, Police Station
Ara Nagar, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh, Advocate

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-02-2016 Heard learned counsels for the petitioner and the State.

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

The prosecution case is that on 05.06.2015, co-accused
Jitendra Kumar, Munna and three unknown came to the adjacent
shop of the informant when some scuffle took place leading to the
pelting of stones by the accused persons. The informant somehow
pacified the issue but subsequently at 6 PM the accused persons
came when Jitendra Kumar fired causing injury to Mukesh Kumar
who succumbed to the injuries. The petitioner is not named in the
FIR but his name transpired in the confession of co-accused
Jitendra Kumar.

It is submitted by learned counsel for the petitioner that except confession of co-accused where it is stated that this petitioner was one of the accomplice who brought pistol and asked the assailant Jitendra to kill Mukesh Kumar, no specific overt act has been alleged. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that even confession of co-accused does not suggest any overt act against the petitioner, 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Ara, Bhojpur in connection with Ara Town P.S. Case No. 253 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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