

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10434 of 2016

Arising Out of PS.Case No. -13 Year- 2011 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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Kishore Yadav Son of Shri Anirudh Yadav resident of village - Tilathi,
Police Station Bakhtiyarpur (O.P. Kanria), District - Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that on 21.01.2011, the petitioner being the then Panchayat Mukhiya came to resolve the dispute between the nephew of the informant and one of his associates when the petitioner asked both sides to execute the bonds and on refusal of the same, the petitioner resorted to fire when others pelted stones and assaulted the informant with lathi.

It is submitted by learned counsel for the petitioner that on conclusion of investigation, final form (chargesheet) was



submitted on 07.01.2012 under Sections 147, 148, 149, 447, 323 and 337 of the IPC but the petitioner was never been apprehended nor any process was issued against him but differing with the final form, cognizance has been taken on 27.01.2014 under Section 307 of the IPC and 27 of the Arms Act. The informant has subsequently retracted from his initial version and filed a petition to that effect before the learned court below. Though, initial anticipatory bail application was preferred before the learned Sessions Judge but the prayer for anticipatory bail was rejected but no anticipatory bail application was preferred before this Court since chargesheet was not submitted under Section 307 of the IPC and 27 of the Arms Act but since differing with the final form (chargesheet), cognizance has been taken under Section 307 IPC and 27 of the Arms Act, the present anticipatory bail application has been preferred. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that on conclusion of investigation, offences under Section 307 IPC and 27 of the Arms Act were not found true and retracted version of the informant, 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., Saharsa in connection with Bakhtiarpur (Kanariya O.P.) P.S. Case No. 13 of 2011, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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