

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30413 of 2016

Arising Out of PS.Case No. -308 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Jitendra Kumar Gupta s/o Late Jagdish Prasad Gupta, r/o Belbanwa, P.S.
Motihari Town, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 26-10-2016 Heard learned counsel for the petitioner, learned
Additional P.P. as well as learned counsel for the informant.

The petitioner apprehends his arrest in Motihari Town
P.S. Case No. 308 of 2016, registered for the offences punishable
under Section 307 and other Sections of the Indian Penal Code.

The informant alleged that three persons came to his
house and enquired as to whereabouts of the informant from his
elder brother Amit Kumar Gupta. On refusal to give mobile
number of the informant, they abused and the accused persons
made firing and fled away. The informant alleged that the
occurrence took place at the instance of his own brother Jitendra
Kumar Gupta, the petitioner.

It appears that there is no material to show that the unknown persons came and fired at the instance of the petitioner. The petitioner happens to be own brother of the informant.

On the other hand, learned counsel for the informant as well as learned Additional P.P. opposed the prayer for anticipatory bail.

Considering the facts aforesaid and the fact that the petitioner was not present at the place of occurrence and he happens to be own brother of the informant, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 308/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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