



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8921 of 2016

Arising Out of PS.Case No. -218 Year- 2014 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Chhotu Jaiswal, Son of Vijay Kumar Jaiswal @ Munmun Jaiswal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-02-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 326, 307/34 of the Indian Penal Code. Subsequently, section 302 of the Indian Penal Code was also added.

Prosecution case is that the informant and his nephew Lala @ Rajnish, Amit Kumar and others were returning after attending marriage ceremony when Shambhu Prasad and his son Rohit Kumar made indiscriminate firing. The informant also named co-accused Manoj Kumar, Madan Prasad brother-in-law of

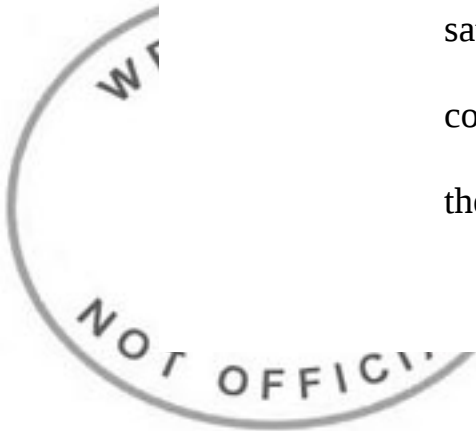


Shambhu Prasad and Rajesh Ram as the person, who escaped from the scene. It is alleged that co-accused Vijay Kumar @ Mantu Kumar @ Mintu and Sunil Kumar @ Vicky were giving signals to the assailants. The petitioner was not named in the First Information Report. The name of the petitioner sprang up on the confession of co-accused Ansul Rai in Motihari Town P.S. Case No.128/2015.

It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up after one year of registration of the FIR and there is specific accusation of firing against Shambhu Prasad and his son Rohit Kumar. Apart from the present case the petitioner is accused in one another case, wherein he is on bail. A statement to that effect has been made in paragraph 2 of the supplementary affidavit. Moreover, co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous Nos. 30339/2014, 31056/2014, and 5202/2015.

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 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 CJM, East Champaran, Motihari in connection with Motihari Town P.S. Case No.218/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.



Ashwini/-

(Dinesh Kumar Singh, J)

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