

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18236 of 2015

Arising Out of PS.Case No. -61 Year- 2014 Thana -MADHEPURA District- MADHEPURA

1. Bhushan Kumar son of Radha Krishna Yadav resident of village -
Dubiyahi Tintolia, P.S. + District - Madhepura.

.... Petitioner/s

Versus

1The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Ms. Gulnar Begum(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections 147/
148/149/323/307/302/337/427 and 120(B) of the Indian Penal
Code.

Diary in this case was called for earlier which has since
been received.

Learned counsel for the petitioner submits that there was
some altercation at the time of immersion of the statue of Goddess
Saraswati after Saraswati Puja celebration. It is further submitted
that though the petitioner is said to be a part of the crowd which
participated in the immersion procession, the specific allegation is
against Devraj Arsa @ Ajeer Bihari who is said to have taken out

a rifle and fired which accidentally hit the deceased lady.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that husband of the deceased has stated that though he has not seen the occurrence, he heard that the deceased died out of firing which took place in the crowd and the firing is said to have made by the said Devraj Arsa @ Ajeer Bihari and not by this petitioner. Independent witness has also supported the story in the diary at paragraph No. 39. The said firing was made on account of internal dispute with regard to the allegation of Mukhiya of the village.

Considering the nature of allegations made and that there is no further cogent material in the diary so as to implicate this petitioner, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 61/2014 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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