

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13773 of 2016

Arising Out of PS.Case No. -205 Year- 2015 Thana -KAKO District- JEHANABAD

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Madhesh Kumar @ Mahesh Mistry @ Langara son of Late Sidheshwar Yadav @ Bhura Yadav, resident of village- Deoraj Bigha, Police Station- Kako, District- Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the State : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-04-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Kako P.S. Case No. 205 of 2015 registered under Sections 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

It is contended that though the petitioner is named in the FIR, there is no allegation that the petitioner had participated in any manner in the alleged occurrence. There is nothing on the basis of which it can be said that the petitioner was having common intention with the accused Sudhir Yadav and Ganauri Thakur, who are specifically alleged to have participated in the

commission of crime. The only allegation against the petitioner in the FIR is that he was also present at that time.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. He has contended that even if no overt act is attributed against an individual accused he can be prosecuted with aid of section 34 of the Indian Penal Code.

Regard being had to the facts and circumstances of the case as also the fact that the petitioner is reported to be a man of clean antecedent, in the event of arrest or surrender in the court below within four weeks from today, the petitioner, namely, Madhesh Kumar @ Mahesh Mistry @ Langara is directed to be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Kako P.S.Case No. 205 of 2015 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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