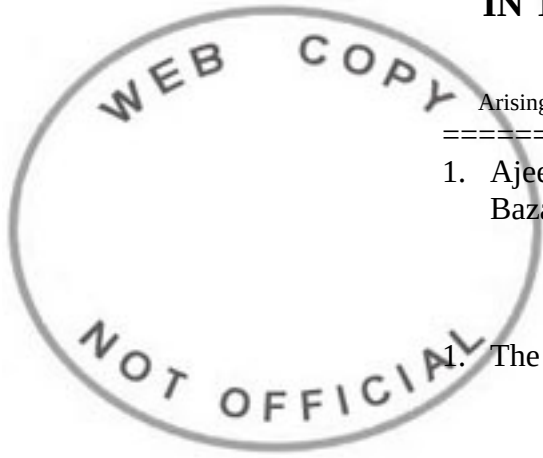




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4038 of 2016

Arising Out of PS.Case No. -116 Year- 2015 Thana -SHAKURABAD District- JEHANABAD

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1. Ajeet Kumar son of Late Arjun Sharma, resident of Village+P.O.- Rani Bazar, P.S.- Shakurabad, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2016 Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that for a dispute with regard to parking of the motorcycle while some religious event was going on, on the order of co-accused Kamla Singh, co-accused Pankaj Singh caught hold the son of the informant when co-accused Satyendra Kumar shot him dead. It is alleged against the petitioner that petitioner made fire in the air and stated that murder has been committed.

It is submitted by learned counsel for the petitioner that the occurrence took place in spur of the moment. Hence, it can not be presumed that petitioner was

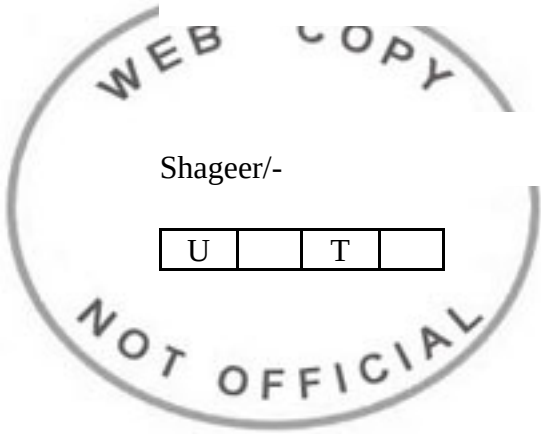
sharing any common intention with the assailant Pankaj Singh and Satyendra Kumar. Moreover the accusation of assaulting the victim is not against the petitioner. Subsequently the 164 Cr.P.C statement of the informant was recorded where the informant has not named the petitioner and stated that on the order of Kamla Singh, co-accused Pankaj Kumar caught hold the son of the informant and co-accused Satyendra Kumar shot him dead.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant that for a petty dispute the son of the informant has been killed. Though accusation of causing injury to the victim has not been alleged against the petitioner but the petitioner was also present at the place of occurrence and resorted to fire in the air.

Considering the fact that accusation of causing injury to the victim has not been levelled against the petitioner, let the petitioner and the 164 Cr.P.C statement of the informant, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jehanabad in connection with Shakurabad

P.S. Case No. 116 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)