

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5461 of 2017

Arising Out of PS.Case No. -26 Year- 2016 Thana -HULASGANJ District- JEHANABAD

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Abinash Sharma @ Munna, Son of Sri Shiv Narain Sharma, Resident of
Village- Dadpur, Police Station- Hulashganj, in the district of Jehanabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhu Narayan Sharma, Advocate

Ms. Anita Kumari Singh, Advocate

For the Opposite Party : Mr. Umanath Mishra (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-02-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Hulasganj

P.S. Case No. 26 of 2016 instituted for the offence under Sections

341, 323, 307 and 302/34 of the Indian Penal Code.

The prosecution case is that on 04.03.2016 in the

evening younger brother and elder brother of the informant,

namely, Shivendra Kumar and Nagendra Kumar respectively went

to attend Tilak ceremony on motorcycle and on the way, they were

assaulted by unknown accused persons with lathi and danda, as a

result of which he fell down and became unconscious and on

hulla, nearby villagers came and brought them to Sadar Hospital,

Jehanabad, where the younger brother of the informant Shivendra

Kumar died in course of treatment and thereafter First Information

Report was instituted.



It has been submitted on behalf of the petitioner that he is not named in the written report. There is no allegation of specific overt act against the petitioner in the case diary. One of the injured Nagendra Kumar, who was accompanying the deceased has not levelled any specific overt act against the petitioner in his statement recorded under section 164 of Cr. P.C.

From the written report, it appears that petitioner is not named in the First Information Report. The statement of the injured Nagendra Kumar recorded under section 164 of Cr.P.C. has been annexed as Annexure-2 where he has not levelled any allegation of specific overt act against this petitioner.

In the circumstances, prayer of the petitioner for anticipatory bail is allowed.

In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Hulasganj P.S. Case No. 26 of 2016, he shall 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 Judicial Magistrate-1st Class, Jehanabad, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sanjay Priya, J.)

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