

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61041 of 2017

Arising Out of PS.Case No. -383 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

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1. Diwakar Kumar @ Diwakar Yadav, S/o Late Ram Chandra Yadav,
Resident of Hakimganj Khagari, P.S-Lakhisarai, District-Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Adv.

For the Opposite Party/s : Mr. Smt. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 18-12-2017

Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Lakhisarai Police Station Case No. 383 of 2017, disclosing offences under Sections 302, 102B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner has submitted that there is general and omnibus allegation against the petitioner and no specific overt act is attributed to him rather the main allegation of firing causing firearm injury on the head of the deceased is against co-accused, Jitendra Yadav and Rakesh Kumar, which is evident from the F.I.R. itself. This petitioner has falsely been implicated in this case merely on the basis of



suspicion. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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, Lakhisarai, in connection with Lakhisarai Police Station Case No. 383 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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