

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38170 of 2017

Arising Out of PS. Case No.-35 Year-2017 Thana- MADHUBAN District- East Champaran

Vishu Sah Son of Late Sudhu Sah, R/o Village- Talimpur, P.O.- Gulwara
Madhuban, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishnu Deo Narayan, Sr. Adv. Mr. Manoj Kumar Manoj
For the Opposite Party/s :		Smt. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-10-2017

Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Madhuban Police Station Case No. 35 of 2017,
disclosing offences under Sections 326/307/34 of the Indian
Penal Code and Section 27 of the Arms Act.

Learned Senior Counsel for the petitioner has
rightly submitted that even if the allegation, as contained in the
First Information Report, is treated to be true, no offence, under
Section 307 of the Indian Penal Code, is made out in the
absence of any allegation that the petitioner had intentionally
opened fire aiming at the informant.

Considering the submission, as above, this



application is allowed.

Let the petitioner, Vishu Sah, 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 Additional Chief Judicial Magistrate IV, East Champaran, at Motihari, in connection with Madhuban Police Station Case No. 35 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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