

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61644 of 2017

Arising Out of PS. Case No.-207 Year-2015 Thana- JAGDIHSPUR District- Bhojpur

Chhotan Singh s/o Late Baijnath Singh @ Bhuwar Singh, R/o Village & P.O.-
Kaura, P.S.- Jagdishpur, District- Bhojpur at Arrah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad

For the Opposite Party/s : Mr. SMT RENU KUMARI

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under section 302 of the IPC and Section 27 of the Arms Act.

The prosecution case is that on 22.10.2015 at 11.30 P.M. on the eve of Durga Pooja celebration, the informant and Om Prakash Singh were watching cultural program in the premises of Middle School, Kaura. In the meantime, Vikash Singh came and asked the informant and Om Prakash Singh to vacate the front seat and to occupy the seats at the back, which was protested by Om Prakash Singh, upon which Vikash Singh fired causing injury on the head of Om Prakash Singh, whereafter he left the scene. While taking Om Prakash Singh to hospital, he succumbed to the injury.



It is submitted by learned counsel for the petitioner that specific accusation is only against Vikash Singh and in the FIR, the allegation against him is only to the extent that he was sitting in the cultural program with the victim. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that other co accused Mukesh Singh has been granted anticipatory bail vide Cr. Msic. no. 35488 of 2016.

Considering the fact that specific overt act is against co accused Vikash Singh, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bhojpur at Ara in connection with Jagdispur P.S. Case No. 207 of 2015.

(Dinesh Kumar Singh, J)

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