

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61505 of 2017

Arising Out of PS.Case No. -239 Year- 2016 Thana -JAGDISHPUR District- BHAGALPUR

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Ashok Kumar Das @ Ashok Das, Son of Sakhichand Das, R/O village-
Jagdishpur, P.S.- Jagdishpur, District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 19-12-2017

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 324, 307 of the Indian Penal Code, Sections 25(1-B)a, 26, 27, 35 of the Arms Act and Sections 3/4 of Explosive Substances Act.

The prosecution case is that while the petitioner had gone to purchase milk, the accused persons being variously armed, surrounded the informant and resorted to fire and used explosive. The informant somehow managed to escape. However, he received injuries caused by some splinters of the explosives. In the meantime, one of the accused Shaligram



Paswan was caught on the spot and from whose possession a country made loaded pistol was recovered, who suggested that co-accused Ghanshyam Mandal and Dayanand Yadav had given Rs.60,000/- to one Laloo Choudhary to kill the informant.

It is submitted by learned counsel for the petitioner that the petitioner is a fair price dealer and he has been roped in the present case maliciously by the informant. From the FIR and the order of learned Sessions Judge it appears that the informant did not receive any injury as there is no injury report on the record and no offence under the Arms Act and Explosive Substances Act is made out against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. So far as accusation of firing and use of explosive is concerned, it is omnibus and general and considering the same a co-ordinate Bench of this Court vide order dated 17.03.2017 passed in Cr. Misc. No. 8516 of 2017 has granted anticipatory bail to Dayanand Yadav, who as per the confession of apprehended accused had given contract for killing the informant.

Learned APP submits that the petitioner is named in the FIR, but the accusation is omnibus and general against the petitioner.



Considering the fact that the accusation is omnibus and general against the petitioner, thrust of accusation is against apprehended accused Shaligram Paswan and the fact that there is no injury report on record to suggest that any injury was caused to the informant, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 239 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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