

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23880 of 2018

Arising Out of PS. Case No.-306 Year-2017 Thana- DULHIN BAZAR District- Patna

=====

Kundan Kumar, S/o Sri Babu Chand Prasad @ Bab Chand Mahto, R/o Vill.-
Lalabhadsara, P.S.- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-04-2018 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 120B/302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of
Toknarayan Sharma, recorded by Mantosh Kumar, Sub-
Inspector, Dulhin Bazar Police Station on 21.12.2017 at 10.15
AM. in emergency ward at PMCH to the effect that on
20.12.2017 at 7.30 PM, the informant and other family members
were returning home after attending feast when 13 accused
persons, including the petitioners, surrounded them and on the
order of co-accused Amar Prakash Yadav and others, co-accused



Dinesh Mahto fired upon the informant's brother, namely, Yas Narain Sharma by country made rifle. As a result, brother of the informant sustained injuries and subsequently, he succumbed to his injuries while being taken to PMCH.

It is submitted by learned counsel for the petitioner that the accusation of firing is not against the petitioner. Moreover, the petitioner was not present at the place of occurrence on the alleged date, as he was at his work place. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that the petitioner is named in the FIR.

Considering the fact that the specific accusation of firing is levelled against Dinesh Mahto (non-petitioner), coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Danapur, in connection with Dulhin Bazar P.S. Case No.306/2017, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

