

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57420 of 2018

Arising Out of PS.Case No. -101 Year- 2018 Thana -HILSA District- NALANDA
 (BIHARSHARIFF)

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1. Arun Yadav S/o Late Nashiv Lal Yadav, R/o Vill.- Nagama, P.S. - Hilsa,
 District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s :Mr. Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 20.09.2018 Heard learned counsel for the petitioner as well as
 learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
 Hilsa P. S. case no. 101/2018 registered under sections 160,
 307 of the IPC and 27 of the Arms Act.

The accusation against the petitioner is that he
 along with his associates made firing and one empty
 cartridge was recovered in front of house of the petitioner.

Learned counsel for the petitioner submits that, as a
 matter of fact, on the alleged date of occurrence, three
 reports were lodged. One FIR was lodged by Ramashish
 Yadav, second FIR was lodged by mother of the petitioner



and third FIR was lodged by ASI of Hilsa Police Station. He further submits that in the FIR lodged by mother of the petitioner, there was allegation of firing against Ramashish Yadav and others and, therefore, even if empty cartridge was recovered in front of house of the petitioner, then also, it does not mean that it was the petitioner who had opened fire rather it would be presumed that due to firing of Ramashish Yadav and others, empty cartridge was recovered in front of the house of the petitioner. He further submits that co-accused Shankar Yadav has already been admitted to anticipatory bail by learned Sessions Judge, Nalanda but prayer for bail of petitioner was rejected only on the ground of recovery of empty cartridge in front of his house.

Considering the aforesaid facts as well as submission of the parties it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Hilsa, Nalanda in Hilsa P. S. case no. 101/2018 subject to condition as laid



down under section 438(2) of the Cr.P.C.

Shahid/Abhijeet

(Hemant Kumar Srivastava,J)

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