

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75588 of 2018

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

Himanshu Kumar @ Himanshu Mahto Son of Madheshwar Mahto Resident
of Village-Lalabhadsara,P.S. Dulhin Bazar,Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Sri Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-12-2018 Heard both sides.

The petitioner apprehends his arrest in Dulhin Bazar P.S. case No. 306 of 2017 registered under Section 302, 120B/34 of the Indian Penal Code and under Section 27 of Arms Act.

The informant, brother of deceased, named 13 persons and alleged that all the accused persons surrounded the informant and his family members and when they started fleeing away the accused persons caught Yash Narayan Sharma, brother of informant, and on the order of Amar Prakash Yadav, Dinesh Mahto shot his brother dead.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. The name of petitioner figured in the case in the confessional statement of co-accused Mukesh Kumar @ Laddu. Mukesh Kumar has already been enlarged on bail vide order dated 03.05.2018 passed in Cr. Misc. No. 17705 of 2018. Even the order giver, Amar Prakash Yadav, has been granted anticipatory bail vide order dated 25.04.2018



passed in Cr. Misc. No. 24738 of 2018.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that although informant made specific allegation against 13 named persons that they surrounded the informant and his brother and Dinesh Yadav fired causing the death of brother of informant but the informant did not name the petitioner and Mukesh Yadav @ Laddu, who disclosed the name of petitioner, has already been granted bail, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Danapur, Patna in connection with Dulhin Bazar P.S. case No. 306 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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