

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9425 of 2018

Arising Out of PS. Case No.-601 Year-2017 Thana- GOPALGANJ TOWN District-
Gopalganj

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Narain Shrivastava, Son of Munna Shrivastava, Resident of Vill-Hanuman
Garihi, P.S.-Gopalganj Town, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-02-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
147/148/149/302/379/427/452/504/506 of the Indian Penal
Code and 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of
Shanti Kunwar, recorded by B. B. Singh, Sub-Inspector of
Police Gopalganj Town Police Station on 08.12.2017 at 00.15
hours., to the effect that on 08.12.2017, in the night, the
informant along with her husband and son were inside the
house, in the meantime 13 accused persons along with 30-35
unknown persons, including the petitioner came to the house of



the informant and they started dismantling the hutment which was protested by the husband of the informant, whereupon, co-accused, Bhikhu Yadav and Anandi Pandey fired on the chest of the husband of the informant causing injury on his chest, as a result he died. It is also alleged that all the accused persons were firing.

It is submitted by learned counsel for the petitioner that the accusation of firing is specific only against co-accused Bhikhu Yadav and Anandi. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. The accusation is omnibus and general against the petitioner, while other accused persons have been granted regular bail by a co-ordinate Bench of this Court in 7804 of 2018.

Mr. J. N. Thakur learned APP for the State does not controvert this fact that the accusation of firing is not against this petitioner, rather it is alleged against co-accused Bhikhu Yadav and Anandi.

Considering the fact that the accusation of firing has been levelled against co-accused Bhikhu Yadav and Anandi, not against this 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 CJM, Gopalganj, in connection with Gopalganj Town P.S. Case No.601 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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