

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16879 of 2018

Arising Out of PS. Case No.-344 Year-2017 Thana- HILSA District- Nalanda

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Akhilesh Sharma @ Akhilesh Singh, Son of Late Tirpit Singh, Resident of Village Kapsiama, P.S. Hilsa, District Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate
For the Opposite Party/s : Mr. Sri Ahtash Ali Khan (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 05-04-2018 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Hilsa P.S. Case No. 344 of 2017, registered for the offences punishable under Sections 147, 148, 149, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, 13-15 persons came opening fire when the informant was engaged in pilling work for construction of house and out of them the informant identified four persons including the petitioner.

Submission is of false implication and that no offence under Section 307 of the I.P.C. is made out, there is no injury on the body of the informant as is apparent from the written report itself. There is general and omnibus allegation and similarly situated co-accused Rajiv Kuamr @ Pappu Singh @ Pappu Kumar



has been allowed pre-arrest bail vide Cr. Misc. No. 42124 of 2017 by order dated 13.09.2017 by another co-ordinate Bench of this Court vide Annexure-2 and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that empty cartridges have been recovered from the place of occurrence.

In the facts and circumstances as stated above, considering that similarly situated co-accused Rajiv Kumar @ Pappu Singh @ Pappu Kumar has been allowed pre-arrest bail and, as such, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Hilsa (Nalanda), in connection with Hilsa P.S. Case No. 344 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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