

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49904 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -SAMSTIPUR RAIL P.S District- SAMASTIPUR

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ASHOK KUMAR RAY @ ASHOK RAI

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1, Advocate

For the Opposite Party/s : Mr. Manoj Kumar – 1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER**

4 10-01-2018

Heard.

The petitioner apprehends arrest in Samastipur Rail P.
S. Case No. 04/ 2017 registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and 27 of Arms Act.

The accusation is that when Vijay Kumar Poddar,
Advocate, father of the informant along with Ashok Rai were
crossing railway line in course of returning from civil court, near
Tuntunia pool, some unknown criminal shot fire at Vijay Kumar
Poddar. The informant Kumar Abhishek and his brother Abhinav
on receiving the information about occurrence through his brother-
in-law on mobile proceeded to their Coaching Centre, Kashipur
and reached at the hospital and saw the dead body of their father,
sustained fire arm injury.

Learned counsel appearing on behalf of the petitioner
submits that on the basis of fardbeyan of the informant,
Abhishedk, Samastipur Rail P. S. Case No. 4 of 2017 was



instituted on 28.01.2017 under Sections 302/34 and 27 of Arms Act against unknown. In course of investigation, while no material were collected by the Investigating Officer, showing the involvement of the petitioner but he has been implicated in the present case because he was also returning to Civil Court with deceased, Vijay Kumar Poddar as detailed in paragraph-291 of the case diary.

Considering the nature of accusation and the fact, the above named petitioner be released on anticipatory bail in the event of his arrest/surrender before the concerned Trial Court within six weeks from today on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Rail, Samastipur in connection with Samastipur Rail P.S.Case No. 4 of 2017, subject to the conditions enumerated under Section 438 (2) of Code of Criminal Procedure.

(Rajendra Kumar Mishra, J)

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