

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27365 of 2018

Arising Out of PS. Case No.-8 Year-2016 Thana- SAMHO District- Begusarai

Deepak Kumar S/o Kailash Singh, R/o Vill.- Bijuliya, P.S.- Shamho, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Sri Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2018 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, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of Sudhir Singh, S.I., Town Police Station, Begusarai on 18.05.2016 at 11.30 P.M. to the effect that on 18.05.2016 at 04.00 P.M, the informant was talking with his family members adjacent to his house, in the meantime, nine accused persons, including the petitioner, came variously armed, whereupon, co-accused, Sanjay Singh fired on the informant and others, causing injury to one Deepak Kumar and thereafter Sanjay



Singh resorted to fire again and thereafter escaped from the scene along with other accused persons.

It is submitted by learned counsel for the petitioner that there is specific accusation of firing against co-accused, Sanjay Singh, who has been granted regular bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 57356 of 2017. On conclusion of investigation final form was submitted, but the petitioner was not sent up for trial, however, differing with the final form, the cognizance was taken and process has been directed to be issued against the petitioner also.

Learned Counsel for the petitioner further submits that there is an error of record in the impugned order to the effect that on protest petition, the cognizance has been taken. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR.

Considering the thrust of accusation against co-accused Sanjay Singh, who has been granted regular bail, on conclusion of investigation, the petitioner was not sent up for trial, 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 SDJM, Begusarai, in connection with Samho P.S. Case No.8 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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