

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37662 of 2018

Arising Out of PS. Case No.-256 Year-2017 Thana- BALIA District- Begusarai

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Gulab Yadav, S/o Akshay Lal Yadav, Resident of Village- Husainichak, P.S.-
Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, 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 02-07-2018 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 307/34 and 447 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 17.10.2017 submitted by Ajeet Kumar Chaudhary to the Station House Officer, Balia Police Station, to the effect that on 17.10.2017 when the informant was going to get the generator set started at his petroleum dealership, then someone resorted to firing from behind. Somehow, the informant saved himself by entering into a room of petroleum dealership. Subsequently, he informed Balia Police Station, but the police did not reach. Subsequently, one Bipin Kumar Singh, the



Officer of Balia Police Station came, then again indiscriminate firing was made, whereupon, the informant also fired from his licensee gun, leading to registration of FIR against unknown. During investigation, the name of the petitioner sprang up.

It is submitted by learned counsel for the petitioner that only on the basis of statement of spy, the petitioner has been dragged in the present case. Admittedly, no injury has been caused to anyone. 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 Mr. J. N. Thakur learned APP for the State that from the impugned order it appears that during investigation, the name of the petitioner sprang up on the basis of the statement of the spy.

Considering the nature of accusation based on suspicion 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, Begusarai, in connection with Ballia P.S. Case No. 256 of 2017, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned court below on filing of the affidavit to the effect that he will co-operate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioner.

(Dinesh Kumar Singh, J)

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