

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63498 of 2018

Arising Out of PS. Case No.-234 Year-2018 Thana- GAYA MUFASIL District- Gaya

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1. Bheyankar Paswan, Son of Ramavilash Paswan,
 2. Bhutti @ Chandan @ Bhutti @ Chandan Kumar, Son of Raja Singh, Both Resident of Mohalla- Gandhinagar, Manpur, P.S.- Mofassil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-10-2018 Counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 2 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 2.

Heard learned counsel for the petitioner no. 1 and learned APP for the State.

The petitioner no. 1 is apprehending his arrest in a case registered under Sections 326, 307, 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in short, is that while the informant was going to purchase medicine in the said night, the accused persons opened fire which hit right leg of the informant due to which



he sustained injury.

It has been submitted on behalf of the petitioner no. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 1. The petitioner no. 1 has falsely been implicated in the present case. No specific injury is attributed to the petitioner no. 1. There is a case and counter case between the parties. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner no. 1 is named in the F.I.R..

Considering the aforesaid facts and circumstances, let the petitioner no. 1, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Gaya Mufassil P.S. Case No. 234/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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