

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12112 of 2018

Arising Out of PS. Case No.-277 Year-2016 Thana- TRIVENIGANJ District- Supaul

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Bikash Kumar @ Bikash Yadav, Son of Shatrudhan Yadav, Resident of
Village-Tituaha, P.S.-Triveniganj, District -Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra kumar Singh, 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 27-02-2018 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 302, 120B/34 of the
I.P.C. and section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of
Bindeshwari Yadav, recorded by Rajeev Kumar Jha, SHO
Triveniganj Police Station on 13.12.2016 at 18.45 Hours, to the
effect that on 13.12.2016 at 06.00 PM, the informant's younger
brother Birendra Yadav was coming from Supaul Referral
Hospital to his village home Tituaha on a bicycle. On the way,
he was surrounded by seven accused persons namely,
Abhimanyu Yadav, Rupesh Yadav, Kundan Yadav, Ramanand
Yadav, Srichand Yadav, Surya Narayan Yadav, Khagesh Yadav
and two unknown. Abhimanyu Yadav fired on the informant's



brother causing injury on the left side of the chest and the bullet came out from the right arm pit. In the meantime, the cousin of the informant Rajesh Yadav reached at the spot to whom the injured conveyed the name of the accused persons who had assaulted him. Thereafter, the injured was brought to the hospital where he was declared dead by the doctor. Subsequently, the FIR was lodged. Though, the petitioner was not named in the FIR, but his name sprang up during investigation as a person who was informing about the movement of the victim, Birendra Kumar to the accused persons. Hence, he was treated to be a conspirator.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion and land dispute, from before the petitioner has been roped in as an accused. However, the telephone conversation between the petitioner and the other accused has not been ascertained during investigation. The specific accusation of firing is against Abhimanyu Yadav. 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 the name of the petitioner sprang up during investigation as one of the conspirators.



Considering the fact that the thrust of accusation is against Abhimanyu Yadav, 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, Supaul, in connection with Triveniganj P.S. Case No.277 of 2016, 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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