

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19963 of 2018

Arising Out of PS.Case No. -26 Year- 2018 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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Nitesh@ Bholu S/o Gauri Shankar Tiwari, R/o Village- Bansghat
Gowandra, P.S.- Chakiya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
Mr. Abhishek Kumar @ Sonu Babu
Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 06-04-2018

Heard learned counsel for the petitioner and

learned APP the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 452,
307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report
of Madhusudan Madhukar dated 10.02.2018 submitted to Station
House Officer of Chakia P.S. is to the effect that on 10.02.2018
at 9.15 P.M. the informant received a call on mobile through a
social media application, namely, Whatsapp, and the caller
disclosed his name as Golu Dubey, who enquired that what has



been happened between the informant and Nitesh @ Bholu, upon which the informant replied that nothing happened then he conveyed his name as Golu Dubey and in a threatening manner directed the informant to enquire about the callers identify. The informant then slept in his house. At about 11.20 P.M. he came and knocked the door of the informant, the informant did not open the door and when the informant went on the roof and saw that Golu Dubey and others have come on motorcycle and they resorted to firing and thereafter they escaped from the scene.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of some dispute with regard to playing cricket. Admittedly, no injury has been caused by firing, no arm has been seized and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the nature of accusation, no injury alleged to have been caused, coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Chief Judicial Magistrate, East Champaran at Motihari in connection with Chakia P.S. Case No. 26 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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