

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43668 of 2018

Arising Out of PS. Case No.-73 Year-2012 Thana- CHANDRADEEP District- Jamui

Pankaj Kumar, Son of Ramprit Saw @ Ramprit Prasad Saw, Resident of village- Hawaipura, P.S.- Rahui, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Sinha, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2018 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 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 28.10.2012 submitted by Asha Devi to the Station House Officer, Chandradeep Police Station, to the effect that the informant was sitting at his courtyard, when Hareram Tanti shot thrice at Manoj Singh, the son of the informant, who subsequently, succumbed to the injuries. The FIR was registered against Hareram Tanti and five unknown persons. The name of the petitioner sprang up on the statement of Hareram Tanti.

It is submitted by learned counsel for the petitioner that



though the case was registered in 2012, but the investigation has still not concluded against the petitioner, which gets reflected from the impugned order itself. The learned Sessions Judge has specifically recorded after going through the case diary that except the confession of Hareram Tanti no other material has surfaced against this petitioner. 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 petitioner's name sprang up on the confession of co-accused Hareram Tanti.

Considering the fact that the petitioner is not named in the FIR, the specific accusation of firing is against co-accused, Hareram Tanti and investigation against the petitioner has not concluded as yet, 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 Judicial Magistrate, 1st Class, Jamui, in connection with



Chandradip P.S. Case No.73 of 2012, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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