

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66776 of 2018

Arising Out of PS. Case No.-255 Year-2018 Thana- BARHARA District- Bhojpur

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Pawan Singh @ Pawan Kumar Singh, Son of Late Suryadeo Singh, Resident of Village- Udwant Nagar, P.S.- Udwant Nagar, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Sri Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 302, 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in short, is that while the son of the informant was watching dance in a *barat* ceremony, the accused persons fired due to which he sustained injury and later succumbed to the injury.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The informant is not an eye witness to the alleged



occurrence. The petitioner has been made accused in the present case on the basis of telephonic message received by the informant. The informant has not disclosed the name of the person who had informed him regarding the alleged occurrence. Subsequently, in course of investigation, witnesses in paragraph nos. 10, 11, 12 of the case diary have stated that the deceased had sustained fire arms injury accidentally as the firing was being made in the dance party which was going on in the barat. Subsequently, in paragraphs 14, 15 and 16 of the case diary, the witnesses have supported the same but not named the petitioner. At best, it is a case of accidental firing which led to the death of the deceased. There was no such intention to commit the murder of the deceased.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, 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, Bhojpur (Ara) in connection with Barhara P.S. Case



No. 255 of 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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