

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9498 of 2018

Arising Out of PS. Case No.-366 Year-2017 Thana- ARA NAGAR District- Bhojpur

Md. Firoz

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. ANIL KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-02-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 302 and 120B/34 of the IPC and Section 27 of the Arms Act.

The prosecution case got initiated with the written report of Manish Yadav dated 2.7.2017 submitted to the SHO, Ara Town Police Station, to the effect that on the same day the informant along with Krishna Kumar Singh alias Kumar Ji was going to market, but on the way co-villager Chandan Yadav started talking to the informant, in the meantime Naim Mistri alias Sahatu along with 7-8 persons came on motorcycle and on the instigation of Naim Mistri, accused persons pushed Krishna Kumar on the ground and then on the order and instigation of Naim Mian, Tibla and others, fired



indiscriminately on Krishna Kumar, as a result, he died. The motive behind the occurrence is land dispute between the parties from before.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR but after two months his name sprang up during investigation. It is further submitted that the petitioner is on inimical terms with the informant due to land dispute from before and there is specific accusation in the FIR against the FIR named accused persons. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP does not controvert the fact that the name of the petitioner sprang up during investigation when there is specific accusation against the FIR named accused persons.

Considering the fact that the petitioner is not named in the FIR and statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Bhojpur at Ara in connection with Ara Nagar P.S. Case



No.366 of 2017 subject to the conditions laid down in
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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