IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25692 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- SILAW District- Nalanda

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Sanjay Kumar @ Sanjay Singh @ Bihari Kumar (but the police has filed requisition for arresting the petitioner as Bihari Kumar), son of Sri Yogendra Singh, Resident of Village- Bhagwanpur, P.S.- Silao, District- Nalanda.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Babita Kumari
For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 04-05-2018 Heard the learned counsel for the petitioner and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Silao P.S. Case No. 05 of 2018 dated 15.01.2018 instituted for the offences under Sections 147, 148, 149, 353, 307 and 411 of the Indian Penal Code and under Section 27 of the Arms Act.

The SHO of Biharsharif police station received a secret information that miscreants have gathered at Bhagwanpur road for committing some crime. A station diary entry was recorded and the police team arrived at the place where it was informed that miscreants had congregated. Seeing the police party, the wrongdoers started fleeing away but some of them were arrested.

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Firing also was resorted to by the miscreants for effecting their escape. From the possession of arrested persons, certain articles, not necessarily incriminating, were recovered. On inquiry from the aforesaid arrested persons, it was learnt that the petitioner and others were also present at the time when the police party had arrived at the place of occurrence.

Learned counsel for the petitioner has submitted that the petitioner was not present at the place where some of the other co-accused persons were arrested. In fact, from the confession of those persons who were arrested, the name of one Bihari Kumar transpired. The petitioner is sought to be prosecuted in this case on the ground that even though his official name is Sanjay Kumar but he has an alias name of Bihari Kumar. It has been submitted on behalf of the petitioner that this assertion of the police is absolutely incorrect. In fact, the petitioner is the son of one Yogendra Singh and in support of the aforesaid assertion, election identity card and Aadhar Card have been brought on record. The petitioner had also contested election for the post of "Panch" and being successful, he was declared elected from Ward No. 6 of Gorma Gram Panchayat.

The petitioner is stated to be a person of clean

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antecedent.

For the reasons aforesaid, the petitioner above named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Silao P.S. Case No. 05 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

Krishna/-
Ved/-

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