

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70218 of 2018

Arising Out of PS. Case No.-168 Year-2018 Thana- BIHPUR District- Bhagalpur

Bidya Nand Sharma, Son of Yogendra Sharma, Resident of Village- Paharpur,
P.S.- Bhawanipur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjana

For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 307/34 of the IPC and Section 27 of the Arms Act.

The prosecution case is that when the father of the informant was sleeping in the night of 23.4.2018, the informant heard the sound of gunshot, whereafter the informant came at the door and found his father weltering in pain, who subsequently fell unconscious. Thereafter, the father of the informant was brought to hospital. The FIR was registered against unknown.

It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up during investigation. The impugned order reflects that on the order of the petitioner, co-accused Kunal Kumar fired at the father of the informant. It is



further submitted that though the petitioner is accused in two other cases but in one of the cases he has been acquitted and in other case he is on bail. It is further submitted that for the occurrence of 23.4.2018, the FIR has been registered on 26.4.2018.

Learned APP submits that during investigation name of the petitioner sprang up and other witnesses suggested the presence of the petitioner at the place of occurrence.

Considering the fact that the name of the petitioner sprang up during investigation and the materials collected during investigation suggested that firing was made by co-accused Kunal Kumar, 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, Naugachhia in connection with Bihpur (Bhawanipur) P.S. Case No.168 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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