

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52947 of 2018

Arising Out of PS. Case No.-80 Year-2018 Thana- MURLIGANJ District- Madhepura

Kundan Kumar, Son of Dhaneshwar Yadav, Resident of Village- Ram Singh Tola Jitapur, P.S.- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Smt. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-09-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 307, 506, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that the F.I.R. named accused persons along with 2-3 unknown persons surrounded the father of the informant on the point of weapon and co-accused Pawan Yadav fired pellet from pistol on the back straight to heart of the informant's father with intention to kill, due to which he fell down and died.

It has been submitted on behalf of the petitioner that 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. As per the F.I.R., co-accused Pawan Yadav is alleged to be the main assailant, who fired upon the deceased, due to which the deceased died. So far the petitioner is concerned, he was the member of unlawful assembly.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R.

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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. case No.80 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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