

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54179 of 2018

Arising Out of PS.Case No. -435 Year- 2018 Thana -PHULWARISHARIF District- PATNA

1. Md. Ahsan Khan @ Ashan Khan @ Monu S/o Akbar Alam Khan, R/o New Millat Colony, P.S.- Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 11-10-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 306 of the Indian Penal Code and Section 25(1-b)a/26/27 of the Arms Act.

The son of the informant died due to firearm injury in his own house. A pistol was also recovered thereat. Thereafter, informant suspected that his friends were involved in the murder. During investigation, co-accused- Suraj Kumar confessed before the police that deceased wanted to have a pistol to show his supremacy among the students. Thereafter, Suraj Kumar contacted the petitioner and others to provide the pistol to Suraj Kumar and in turn



Suraj Kumar handed it to the deceased.

Submission of the learned counsel for the petitioner is that so far allegation under Section 306 of the Indian Penal Code is concerned, there is no material at all to substantiate that suicide was result of direct abetment of the petitioner.

Finding substance in the submission aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Phulwarisharif P.S.Case No.435 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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