

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56421 of 2018

Arising Out of PS.Case No. -116 Year- 2018 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

=====

1. Chhotan Yadav @ Chhotan Prasad S/o Shiv Balak Yadav, R/o Vill.-
Prahladnagar, P.S.- Noorsarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Smt Pushpa Sinha

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-11-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Sections 307/34 of the Indian Penal Code and 27 of the
Arms Act.

The prosecution case, in brief, is that while the informant was
on her roof, firing and counter-firing was being made between the
petitioner and co-accused. She felt some pain and blood was
oozing out and it was suspected that she sustained injury by firing.

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 been made accused in this case due
to mistake of fact. As per allegation, firing had taken place



between the petitioner and co-accused namely Awadh Bihari @ Banda. In course of occurrence, the victim sustained fire arms injury accidentally. There was no intention to cause injury to the victim. No specific allegation of firing has been alleged against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/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, Nalanda at Bihar Sharif in connection with Noorsarai P.S. Case No. 116 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

U		T	
---	--	---	--

