

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17263 of 2019

Arising Out of PS. Case No.-107 Year-2018 Thana- BHAGWANPUR District- Vaishali

Pawan Kumar, Son of Nagendra Singh Resident of Village- Akbarpur, P.S.-
Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324 and 307/34 of the IPC and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

The prosecution case, as per the self statement of Ajay Kumar, S.H.O., Bhagwanpur Police Station, recorded on 23.06.2018 is to the effect that on 22.06.2018 at about 11.15 A.M., while the informant was on patrolling duty, he received an information that one Shushant Kumar has been shot dead by some miscreants, whereupon he reached on the spot and found that one persons is being assaulted by the mob when the informant saved him. The local people conveyed the informant



that three accused persons have killed Sushant Kumar, out of whom, one person has been caught, though, two another accused persons managed to escape from the scene. The apprehended co-accused disclosed his name as Amit Kumar, who also disclosed the name of the petitioner and one Raja Kumar, who escaped from the scene.

It is submitted by learned counsel for the petitioner that admittedly the petitioner was not apprehended from the place of occurrence and no recovery has been made from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, similarly situated co-accused, Raja Kumar has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 07.02.2019, passed in Cr. Misc. No. 2153 of 2019.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused person.

Considering the fact that the petitioner was not apprehended from the spot and similarly situated co-accused person has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 107 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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