

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.321 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- ADHAOURA District- Bhabhua (Kaimur)

Kamta Yadav son of Balu Charan Yadav R/o village Badda, P.S. Nauhatta,
Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-01-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Adhaura P.S. Case No. 46 of 2018 dated 14.07.2018 instituted for the offences under Section 307 of the Indian Penal Code and Section 27 of the Arms Act.

The son of the informant was shot at. The FIR has been registered against unknown. During investigation, it came to light that one Hari Yadav had fired upon the son of the informant. The petitioner is said to be, at the relevant time, in touch with aforesaid Hari Yadav, which fact gets reflected from the CDR report.

Learned counsel for the petitioner has



submitted that if this be the only evidence for prosecuting the petitioner, it would only be a guess work of the investigating agency and nothing else. A person can be in touch with anyone who might commit offence but that does not necessarily mean that he has participated in the occurrence. Learned counsel for the petitioner has further submitted that there is no enmity of the petitioner with the son of the informant (injured).

Regard being had to the aforesaid facts as also taking into account the clean antecedents of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Kaimur, Bhabua in connection with Adhoura P.S. Case No. 46 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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