IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30478 of 2019

Arising Out of PS. Case No.-173 Year-2015 Thana- MINAPUR District- Muzaffarpur

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Umashankar Sahni Son of Late Ganga Sahni Resident of Village- Madhuban Kanti, P.S.- Minapur, District- Muzaffarpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 16-08-2019 Heard learned counsel for the petitioner and learned APP representing the State.

The petitioner apprehends his arrest in connection with Minapur (Panapur) P.S. Case No. 173 of 2015, registered under Sections 302, 201, 120(b) and 34 of the Indian Penal Code and Section 27 of Arms Act.

The allegation against the petitioner, as per FIR, is that one Pintu Kumar was shot by other accused person at the order of the present petitioner.

Learned counsel for the petitioner submits that the petitioner was not involved in the offence in the manner alleged and further police after investigation submitted charge-sheet against the other accused persons and the police did not submit charge-sheet against the petitioner and the petitioner was not sent for trial. He further submits that, however, court below

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differed with the police report and took cognizance against the petitioner vide order dated 19.09.2017.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that police during the investigation has exonerated the petitioner only on the ground that the petitioner was not present on the place of occurrence, whereas, the petitioner has filed petition before the court below bearing CC NO. 1227 of 2015, in which he has stated that while he was present at place of occurrence, informant fired upon the petitioner but it did not hit the petitioner and Pintu Kumar was killed due to bullet fired by the informant himself.

After having heard learned counsel for the parties and taking into consideration the fact that police after investigation has submitted final report and did not send the petitioner for trial, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,

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Muzaffarpur in connection with Minapur (Panapur O.P.) P.S. Case No. 173 of 2015; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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