

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46954 of 2019

Arising Out of PS. Case No.-431 Year-2014 Thana- KHAGARIA District- Khagaria

INDRA MOHAN KUMAR @ HIRA KUMAR Son of Sri Ram Nihora Singh
Resident of Village- Nayagaon Satkhutti, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Shanker Prasad

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Khagaria Police Station Case No. 431 of 2014, disclosing offences under Sections 341/325/307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner, in the First Information Report, is that the informant was intercepted by Kamal Kumar and Raman Kumar, who fired upon the informant and the bullet fired by Raman Kumar hit the informant in his stomach and thereafter the petitioner along with one another accused person fled away on a motorcycle from the place of occurrence and Raman Kumar also fled away on another motorcycle, but Kamal Kumar was caught by the public.



Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and there is no specific allegation against the petitioner of firing upon the informant. He further submits that the petitioner was mere spectator and no overt act has been alleged against him.

After having heard learned Counsel for the parties and taking into consideration the facts that the petitioner has got no criminal antecedent, there is no allegation of firing against the petitioner and further the persons who fired upon the informant were not sitting on the motorcycle with the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Indra Mohan Kumar @ Hira Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria Police Station Case No. 431 of 2014, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as



and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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