

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47598 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- BIHARSHARIF District- Nalanda

JITENDRA KUMAR, Son of Laxmi Kumar @ Laxmichand Yadav Resident
of Village - Baswanbigha, P.S.- Bihar, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur, Advocate Mr.Babita Kumari, Advocate
For the Opposite Party/s :		Mr. A.M.P. Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 31-07-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Bihar P.S. Case no. 236 of 2018, registered under Sections
147, 148, 149, 448, 384, 302 and 120(B) of the Indian Penal
Code and Section 27 of the Arms Act.

The accusation is that on 24.05.2018, Sudal
Kumar, son of the informant, heard the sound of firing then he
came out from the house and saw 14 persons named in the
F.I.R., including the petitioner, present there and they asked to
Sudal Kumar for spent money. When Sudal Kumar made
protest then on the instigation of Yogendra Yadav, Bipin Yadav,
Baran yadav, Rajiv Ranjan Kumar, Raviranjana Kumar Lalan
Kumar and Anil Yadav, Lal Bahadur Yadav shot fire through
pistol causing injury at the head of Sudal Kumar, who fell down.



Thereafter, Sudal Kumar, son of the informant, was rushed for treatment at Sadar Hospital, Bihar Sharif, but he died.

Learned counsel for the petitioner submits that while petitioner is named in the F.I.R. along with 13 others, but no specific overt act has been attributed against the petitioner. Moreover, after investigation, the Police submitted Chargesheet against seven persons, but submitted Final Form against the petitioner showing him innocent. But learned cognizance taking Court took cognizance against the petitioner differing with the Final Form. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 236 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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