

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3030 of 2021

Arising Out of PS. Case No.-99 Year-2018 Thana- KHIRI MORE District- Patna

Uma Kant @ Mithu Kumar, aged about 30 years, Male, Son Of Ram Binod Sharma, Resident Of Mera, Khanpura, Police Station - Khirimore, District – Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Akhauri Kamal Kishore Sahay, Advocate.
For the Opposite Party : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 302, 120(B) of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on 13.11.2018 at about 10.55 P.M., the son of the informant reached near Pachiyari Pul, the miscreants shot in a pre-planned manner, as a result of which, the informant's son died and his friend received firearm injury in hand. When the villagers reached the spot upon



hearing sound of firing, the miscreants fled away.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. His name has transpired in the present case merely on the basis of confessional statement of co-accused. Except for confessional statement, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned A.C.J.M.-III, Danapur, Patna, in connection with Khirimore P.S. Case No. 99/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only



with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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