

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71183 of 2021

Arising Out of PS. Case No.-39 Year-2019 Thana- FATEHPUR District- Gaya

SRI RAM YADAV SON OF LATE GANESH YADAV RESIDENT OF
VILLAGE- GURI PS - FATEHPUR DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ramakant Sharma,Sr.Adv. Mr.Lakshmi Kant Sharma
For the Opposite Party/s :	Mr.Prem Kumar Jha Mr.Madhav Roy Mr.R.N.Tiwari Mr.R.K.Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-10-2022 Heard learned counsel appearing on behalf of
petitioner, State and informant.

The petitioner apprehends his arrest in a case registered for the offence under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per F.I.R., the allegation against petitioner is that he alongwith other co-accused persons surrounded the informant and his brother and thereafter, it is alleged that this petitioner took out pistol from his waist and gave it to co-accused Vikram Kumar @ Vikram Kumar Yadav, who allegedly shot brother of the informant.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. Specific accusation of



firing is against co-accused Vikram Kumar. Police after investigation submitted final form against petitioner and others. Petitioner has got clean antecedent.

However, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that petitioner is also named in the F.I.R. and he participated in the alleged occurrence. It is this petitioner, who handed over the pistol to co-accused Vikram Kumar, by which, brother of informant was shot.

Considering the nature of accusation, clean antecedent of petitioner and the fact that petitioner is not the assailant of the deceased, the prayer for anticipatory bail of petitioner is allowed. Let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Gaya in connection with Fatehpur P.S. Case No. 39 of 2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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