

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49413 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Chhotu Yadav S/O- Kapildeo Yadav R/O of Vill.- Tetri, P.S.- Naughachia,
District- Bhagalpur Petitioner/s

Versus

The State Of Bihar Patna Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-08-2024 Heard Mr. Ranjan Kumar Jha, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Naugachia P.S. Case No. 115 of 2024 instituted under Sections 302, 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 09.04.2024 by the informant, Rajesh Yadav.

3. As per the prosecution story, the informant alleged that his brother alongwith Tinku Singh and this petitioner were talking and this followed the hot altercation whereafter, the allegation is that Tinku Singh snatched arms from this petitioner and opened fire hitting the brother of the informant. The two accused thereafter, fled away. The brother was taken to the hospital but he succumbed to his injuries. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that specific allegation is



against Tinku Singh of having snatched the arms from this petitioner and opened fire which hit the brother of the informant causing his death.

5. Only to implicate him, the snatching of the arms theory from his hand has been alleged. He submits that petitioner will be cooperating in the investigation and diligently appearing in trial.

6. Learned APP opposes the prayer submitting that arms was in his hand which was snatched by Tinku Singh.

7. Considering the allegation which is specific against Tinku Singh who opened fire causing death of brother of the informant, though there is allegation of the petitioner having arms in his hand, no role has been attributed and further as per the petitioner he will be diligently appearing in trial, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Naugachia P.S. Case No. 115 of 2024 to the satisfaction of learned A.C.J.M,-1st, Naugachia, Bhagalpur subject to the conditions as laid down



under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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