

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61731 of 2024

Arising Out of PS. Case No.-291 Year-2017 Thana- BIHAR District- Nalanda

Sandeep Kumar Son of Kailash Prasad Resident of Gaush Nagar, PS-Sarmera, District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shadab Akhter, Advocate

For the Opposite Party : Mr.Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioner and the State.

2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 307, 302/34 and other allied sections of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, all the FIR named accused persons including this petitioner killed brother of the informant.

4. Learned counsel appearing for the petitioner submits that from perusal of the FIR itself it is clear that it was co-accused Pappu Yadav who fired shot which hit near the left side armpit of the victim. There is general and omnibus allegation of assault by lathi against this petitioner. Moreover, informant is own brother of the deceased and claims to be eye witness of the occurrence but he has not named the petitioner in



the FIR. Petitioner’s name has come in this case during course of investigation on the basis of confessional statement of co-accused. Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge XI, Nalanda at Bihar Sharif in Bihar Police Station Case No. 291 of 2017, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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