

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16131 of 2015

Arising Out of PS.Case No. -257 Year- 2014 Thana -DHANARUA District- PATNA

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Mallu Bind son of Banshropan Bind @ Akloo Bind, Resident of Village Chakradha, P.S. Dhanarua, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shakti Suman Kumar, Advocate

For the Opposite Party : Mr. Sanjay Kr. Tiwary No.1, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-06-2015 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in connection with Dhanarua P.S. Case No.257 of 2014 for the offence punishable under Sections 147, 148, 149 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that on 09.08.2014 at 7.00 P.M, while the informant was sitting in front of the house of one Suryanarayan Singh and was talking from cello phone, all of a sudden accused persons including the petitioner, who were armed with rifle and country made pistol, at the instance of co-accused Satyendra Sharma, petitioner and co-accused Jainarayan Yadav, with intention to kill, fired upon the informant as a result of which two bullet hit the left leg of the informant and he fell down. Later

on, all the accused fled towards east with indiscriminate firing.

It has been submitted on behalf of the petitioner that due to mistake of fact, petitioner was made accused in the present case. The allegation of causing injuries against the petitioner is on non-vital part of the body and the same do not constitute any offence under Section 307 of the Indian Penal Code. At best, it is a case under Section 326 of the IPC. Further it has been submitted that the petitioner is in custody since 10.09.2014.

On behalf of the State it has been submitted that there is specific allegation against the petitioner for causing injury to the victim.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Masaurhi, Patna in connection with Dhanarua P.S. Case no. 257 of 2014.

(Sudhir Singh, J)

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