

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30809 of 2015

Arising Out of PS.Case No. -313 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Md. Salim @ Salim Don Son of Late Md. Manjur @ Bauka resident of Mohalla - Mahmood Chowk, Nasriganj, Police Station - Katihar Town, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-10-2015 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 341, 386 and 387 of the I.P.C and section 27 of the Arms Act.

Allegedly, on 21.05.2015 at about 7.15 P.M. when the informant was coming from his field the petitioner stopped the motorcycle of the informant and demanded Rs. 1,50,000/- and when the informant raised alarm the petitioner opened fire with country made pistol which crossed towards right temporal region and did not hit the informant.

Submission is of false implication and that there was

no intervening circumstance, the petitioner has been made victim of the police atrocity. No offence under sections 386 and 387 I.P.C. is made out as there is no delivery of property and regarding opening of fire the same is palpably false and the petitioner is suffering in custody since 24.05.2015.

The learned A.P.P. opposes prayer for bail but fairly submits that there is no delivery of property and also there is no injury.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Katihar in Katihar Town P.S. Case No. 313 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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