

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24838 of 2015

Arising Out of PS.Case No. -21 Year- 2014 Thana -SONBERSA District- SITAMARHI

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Shankar Kumar Son of Mahesh Mahto Resident of village - Bhutahi, P.S.
Sonbarsa, District - Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa

For the Opposite Party : Mr. R.S.Choudhary(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 07-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 324, 307 and 34 of the Indian
Penal Code.

Allegedly co-accused Pramod Kumar, Mahesh Mahto
and Sikandar Mukhiya tried to catch hold the informant and when
by pushing the informant went ahead then the petitioner with an
intention to kill opened fire, which hit in the right thigh of the
informant and again firing was made which hit the clock shop of
Pramod Kumar.

Submission is of false implication and that besides the
informant, no one has stated that the petitioner opened fire and
further the injury caused is simple in nature. The allegation for

repeating the firing is totally concocted. No offence under Section 307 I.P.C. is made out and the petitioner is suffering in custody since 16.04.2015. Charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that the injury has not been found on the vital part and further the injury is simple in nature and also considering the detention of the petitioner, the petitioner, above named, 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 the Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No. 21 of 2014, 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.

V.P.Sinha/-

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(Jitendra Mohan Sharma, J)