

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17834 of 2015

Arising Out of PS.Case No. -123 Year- 2014 Thana -BIHARIGANJ District- MADHEPURA

1. Chhabilal Yadav, s/o Satya Narayan Yadav,
2. Sintu Mehra, son of Badri Mehara, Both residents of Village: Pakilpar,
P.S. Bihariganj, District: Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar-Ii(App)

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

4 03-12-2015

Heard the learned counsel for the petitioners as well
as the learned A.P.P.

The petitioners seek bail in a case for the offences
punishable under sections 341, 342, 323, 307 and 504/34 of the
I.P.C and section 27 of the Arms Act.

Allegedly, when the informant Bhageshwar Yadav
was going to his village and reached near the house of Rajendra
Mandal then the petitioners and other co-accused stopped the
motorcycle of the informant, abused him and fired shot. The
petitioner Chhabilal Yadav shot at the temple of the informant and
others shot at other parts of the body resulting he sustained serious
injury and any how after fleeing away he saved his life.



Submission is of false implication and that no offence under section 307 I.P.C is made out. There is no allegation that the petitioner repeated the firing. The petitioners are in custody since 29.11.2014. Charge sheet has already been submitted. The informant has been examined by the private doctor. No fire arm injury has been found on the temple and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. opposes by submitting that the grievous injury has been found on the person of the informant and the petitioners have got criminal antecedents.

In the facts and circumstances as stated above, considering that though against the petitioner no.1 there is allegation that he shot at the temple of the informant but on temple no fire arm injury has been found rather lacerated wound measuring 1"x 1/2" x 1/4" has been found and as such considering their detentions now both the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Shri Pradeep Kumar Choudhary, J.M. 1st Class, Udakishunganj, District- Madhepura in Bihariganj P.S. Case No. 123 of 2014/ G.R. No. 1681 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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