

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2325 of 2015

Arising Out of PS.Case No. -53 Year- 2014 Thana -ADHAURA District- BHABHUA (KAIMUR)

=====

1. Rajnath Prajapati Son of Late Bhagwati Prajapati Resident of Village -
Khatkhari P.S- Adhaura, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.7316 of 2015

Arising Out of PS.Case No. -53 Year- 2014 Thana -ADHAURA District- BHABHUA (KAIMUR)

=====

1. Somaru Prajapati Son of Late Rajdhari Prajapati, Resident of Village -
Khatakhari, P.S. - Adhaura, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 17-04-2015 Both petitions arise out of Adhaura P.S. Case No. 53 of

2014 registered under Sections- 342, 326, 307, 506/34 of the

Indian Penal Code and accordingly, both the above-said petitions

are being heard and disposed off by this common order.

Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The accusation against the petitioner in Cr. Misc.
No. 2325 of 2015 is that he opened fire through the window of his
house upon the informant, causing fire-arm injury to him. So far as

the petitioner in Cr. Misc. No. 7316 of 2015 is concerned; though there is allegation of firing against him but according to prosecution case itself, the firing of the petitioner in Cr. Misc. No. 7316 of 2015 did not hit the informant.

The contention on behalf of the petitioner is that the petitioner in Cr. Misc. No. 2325 of 2015 is agnate of the informant and partition suit is going on between the parties. It is further contended by him that para-8 of the case diary shows that it was not possible for the informant to see from outside the house to the petitioner in Cr. Misc. No. 2325 of 2015 who had fired on him and moreover, the petitioner in Cr. Misc. No. 2325 of 2015 is languishing in jail custody since 01-10-2014.

Considering the aforesaid facts and circumstances as well as submission of the parties and particularly, keeping in mind description of the place of occurrence, as mentioned at paragraph-8 of the case diary, let the petitioner named above, be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Adhaura P.S. Case No. 53 of 2014 to the satisfaction of Chief Judicial Magistrate, Kaimur at Bhabua.

(Hemant Kumar Srivastava, J)

A.K.V./-

U		T	
---	--	---	--