

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25936 of 2015

Arising Out of PS.Case No. -139 Year- 2014 Thana -BAKHRI District- BEGUSARAI

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1. Fulchand Bind, son of Bhutta Bind, resident of village Parihara, P.s. Bhakri (Parihara) District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Anil Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

Petitioner seeks bail in connection with Bakhri (Parihara) P.S. Case No. 139 of 2014 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

When the informant was sitting at her residence, F.I.R. named accused persons including the petitioner being armed with pistol, came and surrounded her husband and took away towards Khalifa Baba Sthan, the informant also went there and requested not to do such act but Naresh Bind shot her husband and thereafter all accused persons shot resulting her husband fell down and then all the accused persons fled away. Occurrence was seen by Kala

Devi, Shri Lal Nagar, Udgar Nagar and others and when her husband was being brought for treatment, he died in the way.

Submission is of false implication and that during investigation it has come in the statement of witnesses Kala Devi, Phulo Nagar and even in the further statement of Shila Devi that Naresh Bind shot which hit in the chest of the husband of the informant and thereafter Nandan Sahni shot which hit in the temporal region and thereafter other accused persons also opened fire, so specific allegation is against Naresh Bind and Nandan Sahni, who have shot on the vital part of the deceased and the petitioner having general and omnibus allegation, is suffering in custody since 2.07.2014, having no criminal antecedent to which learned A.P.P. opposes and fairly submits that during investigation specific allegation has been levelled against two above named co-accused.

In the facts and circumstances stated above, considering that against the petitioner there is no specific allegation for causing fire arm injury on the vital part of the husband of the informant, and as such, considering his detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned

Chief Judicial Magistrate, Begusarai arising out of Bakhri (Parihara) P.S. Case No. 139 of 2014 subject to the conditions that one of the bailors must be 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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