

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26854 of 2015

Arising Out of PS.Case No. -90 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Robin Keshari, son of Sitaram Keshari, resident of Village: Alamganj,
Chalania, P.S: Sasaram, District: Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray

For the Opposite Party/s : Mr. Rajiv Nayan(App)

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

3 13-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

Petitioner seeks bail in connection with Sasaram
(Town) P.S. Case No. 90 of 2015 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 325, 326, 307,
337, 504, 452, 379, 380, 427, 153(A), 302 of the Indian Penal
Code and 27 of the Arms Act.

For trifling dispute, altercation started between two
communities and F.I.R. named accused persons including 400-500
persons belonging to Sonkar community started assaulting Muslim
community even after opening fire and by other weapons and
further, they took away a box containing cash of Rs. 13,500/- and

jewelry and in the meantime, the petitioner opened fire with .303 firearm causing injury to **Bhajnu Ghosi @ Majnu Gadi** on his back.

Submission if of false implication that the injured in Para-25 has stated that the petitioner has opened fire from near his house which hit shoulder and arm but from the injury report of Majnu Gadi, it appears that he has received injury on scapular region, blackening of skin around wound, which is simple in nature. The petitioner is suffering in custody since 20.04.2015, having no criminal antecedent. There is no allegation that he has repeated the firing. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. Similarly situated, co-accused, Dhannu Khatik, against whom there is an allegation of causing fire arm injury, has been allowed bail by the court below itself vide order dated 15.4.2015 passed in B.P. No. 322 of 2015 and, as such, petitioner also deserves sympathetic consideration to which learned A.P.P. opposes.

In the facts and circumstances stated above, considering that the injury found is simple in nature and there is no allegation that the petitioner has repeated the firing and, as such, 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, Sasaram arising out of Sasaram Nagar P.S. Case No. 90 of 2015 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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