

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28317 of 2015

Arising Out of PS.Case No. -121 Year- 2015 Thana -BIHIYA District- BHOJPUR

Sonu Singh S/o Raj Nandan Singh Resident of village - Jhausa, P.S.
Bihyan, District - Bhojpur. Petitioner.

Versus

The State of Bihar. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 16-10-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under Sections 307, 452 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioner is that he after entering into the house of the informant in the night shot the informant on her cheek.

Submission is of false implication due to enmity. The injury caused is simple in nature. No evidence of gun shot injury or blackish discolouration found at the wound site and bullet was received by the Doctor from outside source i.e. patient's attendant. The petitioner has not repeated the firing and, as such, he deserves sympathetic consideration, he is suffering in custody since

05.05.2015 and charge-sheet has already been submitted and there is no chance of tampering with the evidence.

The learned A.P.P. opposes the prayer of bail by submitting that the informant was examined by Doctor Ashok Kumar earlier, and he, during treatment, pulled out the bullet from the cheek of the informant, vide para 13 of the case diary.

In the facts and circumstances as stated-above, considering that the injury found is simple in nature and the petitioner has not repeated the shot and, as such, he is directed to be released on bail **after framing of charge** on furnishing of bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur at Ara in connection with Bihiyan P.S. Case No. 121/2015, 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.

(Jitendra Mohan Sharma, J.)

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