

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23045 of 2015

Arising Out of PS.Case No. -362 Year- 2014 Thana –UDWANT NAGAR District- BHOJPUR

1. Burhwa @ Dewendra Singh, S/o Mahendra Singh, R/o- Village-
Bampali, P.S- Udwanthnagar, Distt- Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 09-07-2015 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

According to prosecution case itself, the alleged
occurrence took place on 09.10.2014 at about 07:20 P.M. and
admittedly, the ferdbeyan was recorded after two days of the
alleged occurrence i.e. on 11.10.2014. Admittedly, the fire was
shot on the injured from his behind. Petitioner is not named in the
ferdbeyan and admittedly, the first information report was
registered against unknown persons. Later on, after 15 days of the
alleged occurrence when the statement of injured was recorded,
the injured disclosed the name of petitioner as assailant.
Annexure-2 to the petition reveals that injured was examined by

the doctor on the alleged date of occurrence itself.

The contention on behalf of the informant is that the injured was in state of unconsciousness and when he regained his consciousness, his statement was recorded and name of petitioner surfaced in this case but Annexure-2, the photostat copy of injury report of injured, does not even remotely support the above stated contention of learned counsel for the informant.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur, Ara in connection with Udwant Nagar P.S. Case No. 362 of 2014.

(Hemant Kumar Srivastava, J)

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