

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4334 of 2016

Arising Out of PS.Case No. -109 Year- 2014 Thana -MARKAHI District- KHAGARIA

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Madan Sada Son of Srilal Sada resident of village - Bhiriya, Pokhar,
Bachhota, P.S. Morkahi, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Subash Chandra Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 28-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Morkahi
P.S. Case No. 109 of 2014 registered for the offences punishable
under Sections 323, 341, 326, 307/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The allegation against the petitioner is that he caused
fire arm injury to the informant on his left eyebrow whereas, other
co-accused Madan Sada shot the informant in his abdomen.

Submission is of false implication and that no injury
has been found in the abdomen of the informant and on that
ground co-accused Madan Sada has been allowed bail by the court
below itself, the petitioner is suffering in custody since

29.09.2015 after his surrender and, as such, he deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that fire arm injury has been found by the doctor on left eyebrow of the informant and the petitioner has got criminal antecedent but as submitted he has been acquitted in that case.

In the facts and circumstances stated above, the petitioner shall be released on bail **after completion of nine months custody from the date of his remand** 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 S.D.J.M., Khagaria in connection with Morkahi P.S. Case No. 109 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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