

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5557 of 2016

Arising Out of PS.Case No. -159 Year- 2015 Thana -GAMAHARIYA District- MADHEPURA

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Om Kumar S/o - Narayan Yadav Resident of Village - Jogabani, P.S. -
Gamharia, District - Madhepura.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate.

For the Opposite Party : Mr. Ashok Kr.Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

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05-04-2016

Heard learned counsel for the petitioner, learned

counsel for the informant and learned A.P.P. representing the
State.

The petitioner seeks bail in connection with
Gamharia P.S. Case No. 159 of 2015 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 307, 324, 380,
448 and 504 of the Indian Penal Code and under Section 27 of the
Arms Act.

The allegation against the petitioner is that he opened
fire upon the informant, which hit left thigh of the informant, and
he fell down and thereafter other co-accused assaulted him with
lathi, danda and rod.

Submission is of false implication and that the
occurrence has taken place due to trivial dispute, there was no
intention to commit murder and as such no offence under Section
307 of the Indian Penal Code is made out, from before Title Suit is

going on between the parties, no firearm injury has been found on the person of the informant rather one penetrating wound on anterior region of left thigh 1/2"x1/2" was found and as such the petitioner, who is suffering in custody since 31.12.2015 deserves sympathetic consideration, to which the learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that against the petitioner, there is specific allegation for causing firearm injury.

In the facts and circumstances stated above, considering the injury report and the custody of the petitioner, 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Gamharia P.S. Case No.159 of 2015, subject to 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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