

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7041 of 2016

Arising Out of PS.Case No. -38 Year- 2015 Thana -KIHIRI MORE District- PATNA

Vikas Kumar @ Vikash Kumar S/o Radha Prasad, resident of Village-
Paigambarpur, P.S.- Khiri More, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan (App)

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

2 08-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Khiri
More P.S. Case No. 38 of 2015 registered for the offences
punishable under Sections 307, 341, 323, 325, 504/34 of the
Indian Penal Code and Section 27 of the Arms Act.

Allegedly, co-accused Radha Prasad fired from pistol
on the informant causing injury on his hand and abdomen
whereas, the petitioner and other co-accused assaulted with iron
rod causing injuries on his head, chest, hand and leg and when
alarm was raised and nearby persons assembled and then
petitioner and other co-accused persons fled away after opening
fire.



Submission is of false implication and that on the person of the injured multiple fire arm injuries have been found, no injury has been found on the vital part of the body and the petitioner who is suffering in custody since 27.10.2015, deserves sympathetic consideration. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the injuries found on the person of the informant have been termed dangerous.

In the facts and circumstances stated above, considering the injury report and further that the petitioner has not caused fire arm injury 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 Sri. Randhir Kumar, learned Judicial Magistrate, 1st Class, Danapur, Distt. Patna in connection with Khiri More P.S. Case No. 38 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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