

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9079 of 2016

Arising Out of PS.Case No. -292 Year- 2015 Thana -BUXAR District- BUXAR

1. Gaurav Kumar Chaudhary @ Gaurav Kumar @ Gaurav Son of Gulab Chand Chaudhary Resident of Village - Basudeo, Police Station - East Sarai, District - Munger.

..... Petitioner/s
Versus

1. The State of Bihar.

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy, Advocate

For the Opposite Party/s : Mr. A.A Khan (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 23-05-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail custody since 21.07.2015 in a case registered for offences punishable under sections 324, 307/34 of the Indian Penal Code and Section 25 (1-B), 26, 35 and 27 of the Arms Act.

The prosecution case is that on 20.07. 2015 at 7.45 P.M. the informant was going to buy fodder after giving milk delivery to Mangla Tiwary and other persons. Suddenly, accused persons reached there. On the order of co-accused Pawan Singh to shoot the informant the petitioner opened fire upon the informant from a country made pistol and due to which the informant's shoulder

became badly injured and after hulla, both accused persons fled away in western side. It is further stated that the main reason of this incident was that two months back the informant became a prosecution witness in a murder case of one Rabindra Singh and the accused persons were antiparty of deceased.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated due to village politics, as is evident from perusal of F.I.R. itself. He further submits that allegation of firing is upon another co-accused also and the injury alleged to have been caused by the petitioner can not be attributable only to the petitioner. He further submits that except the confessional statement of the petitioner, none of the witnesses have seen the actual occurrence.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since the petitioner has home and wealth in the village and agrees not to abscond or tamper with the evidence and taking into account the period of custody, let the petitioner Gaurav Kumar Chaudhary @ Gaurav Kumar @ Gaurav is directed to 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 learned Additional District Judge-VI, Buxar
in connection with Buxar Town P. S. Case No. 292 of 2015
corresponding to Sessions Trial No. 253 of 2015.

(Nilu Agrawal, J)

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