

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13139 of 2016

Arising Out of PS.Case No. -195 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

- =====
- 1. Dilip Sao son of Late Bidesi Sao
 - 2. Sumitra Devi Wife of Dilip Sao Both residents of Village- Nai Sarai, P.S.- Bihar, District- Nalanda.

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Wasi Ahmad Khan

For the Opposite Party/s : Mr. Binod Kumar 3 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 10-05-2016 Heard learned counsel for the petitioner no. 1 and learned A.P.P. representing the State.

The petitioner no. 1 seeks bail in connection with Bihar P.S. Case No. 195 of 2015 registered for the offences punishable under Sections 324, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, when the informant and other media men went to cover news and as soon as informant took out his camera, the petitioner no. 1 Dilip Sao started abusing and opened fire which hit in the right leg of the informant.

Submission is of false implication and that three cases have been lodged on the same date, in one case bearing Bihar P.S.



Case No. 194 of 2015 the petitioner no. 1 has been allowed bail, the injury caused to the informant of this case is due to firing of police and not by the petitioner no. 1 and further the injury is not on the vital part and there is no allegation that the petitioner repeated the firing and he is suffering in custody since 01.05.2015. The petitioner no. 2 has already been allowed bail vide order dated 01.04.2016.

The learned APP opposes the prayer of bail of petitioner no. 1 by submitting that the petitioner no. 1 intentionally caused fire arm injury to the media person the informant of this case and the nature of injury has been found grievous in nature.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and also considering the detention of the petitioner no. 1 now petitioner no. 1, Dilip Sao 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 the learned CJM, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 195 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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