

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10661 of 2016

Arising Out of PS.Case No. -607 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Bhosa Yadav son of Uttam Chandra Yadav @ Utti Chand resident of
Village- Gaugra Garh, 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. Shashank Shekhar, Advocate

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

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

3 28-04-2016 Supplementary affidavit has been filed about

disclosing that the petitioner is involved in fifteen cases and earlier
details of only eleven cases were given in Para 3 of the
application, let it be kept on record.

Heard learned counsel for the petitioner, learned A.P.P.
representing the State and the learned counsel for the informant.

The petitioner seeks bail in connection with Bihar P.S.
Case No. 607 of 2015 registered for the offences punishable under
Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegedly, when the informant and his maternal
brother Babloo Kumar were sitting on the shop, the petitioner and



other co-accused came there, started assaulting Babloo Kumar saying that why he is deposing in the case filed against them, they opened fire and the shot made by Sanjay Kumar, hit the informant in his left waist but anyhow he fled away. It is alleged that the informant is a witness in an earlier case and to terrorize him, the occurrence has been caused.

Submission is of false implication and that specific allegation for causing fire arm injury is against Sanjay Kumar and not against the petitioner. Co-accused Sonu Kumar has lodged Bihar P.S. Case No. 606 of 2015 against the informant and earlier co-accused, Dhananjay Yadav also filed Bihar P.S. Case No. 03 of 2012 against the informant's side, due to previous enmity the petitioner has been roped in this case and, as such, he deserves sympathetic consideration as co-accused Dhananjay Yadav has already been allowed bail vide Cri. Misc. No. 8829 of 2016.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that petitioner has got 15 cases to his credit and if he will be released on bail the trial will be hampered.

In the facts and circumstances stated above, considering that specific allegation for causing fire arm injury is against Sanjay Kumar and, as such, the petitioner 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. 607 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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