

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43547 of 2015

Arising Out of PS.Case No. -13 Year- 2014 Thana -MAIN P.S. District- GAYA

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1. Jallu Sharma @ Jalendra Sharma Son of Sri Parshuram Sharma R/o
Village Paibigha Dih, P.S. Men in the district of Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 06-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Men P.S.
Case No. 13 of 2014 registered for the offences punishable under
Sections 341, 324, 326, 307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The allegation against the petitioner is that he caused
fire arm injury to Pankaj Kumar after stopping him and further co-
accused also opened fire.

Submission is of false implication due to enmity, the
victim has got criminal antecedent and he might have been injured
by others but to take revenge, the petitioner has been implicated.
Injured has been examined vide para 48 of the case diary, wherein

he has stated that he received injury on his right arm, there is no allegation that the petitioner repeated the firing as there was no intervening circumstance, co-accused Manoj Kumar @ Guddu Sharma has already been allowed bail by another co-ordinate Bench of this Court and the petitioner who is suffering in custody since 01.07.2015, deserves sympathetic consideration to which learned A.P.P. opposes.

In the facts and circumstances stated above, considering that the petitioner has not repeated the firing, he is directed to be released on bail **after completion of nine months custody** from the date of his remand 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 C.J.M., Gaya arising out of Men P.S. Case No. 13 of 2014 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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