

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35364 of 2016

Arising Out of PS.Case No. -205 Year- 2015 Thana -BARGANIA District- SITAMARHI

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Dhiraj Kumar @ Dheeraj Kumar S/o Dinesh Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. P. N. Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 17-11-2016

Heard both sides.

The petitioner seeks bail in Bairstania P.S. case No. 205/2015 under Section 307, 326, 34 of the Indian Penal Code and under Section 27 of the Arms Act.

Md. Guddu, the informant, lodged the case against two unknown persons alleging therein that while he was going to open his betel shop, two persons waylaid and fired at him. The informant got injury on his shoulder. The projectile passed through. The informant got consciousness in the hospital but he did not name the petitioner.

The learned counsel for the petitioner submits that during the course of investigation the witnesses have stated that petitioner was found roaming near the place of occurrence but nobody has seen the petitioner firing from his pistol. The

informant in his restatement in paragraph 25 of the case diary claimed to have identified the petitioner. It is submitted that if the petitioner is acquainted with the petitioner, there is no reason for him not to disclose the name of petitioner in his fard bayan. The petitioner is in custody since 15.12.2015.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Sitamarhi in Bairgania P.S. Case No. 205 of 2015, corresponding to Sessions Trial No. 192 of 2016.

(Prabhat Kumar Jha, J)

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