

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33761 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -UCHAKAGAON District- GOPALGANJ

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1. Subhash Gaddi @ Jabar Ali Son of Late Mishri Gaddi resident of village / Mohalla - Intwan, P.S. Uchhkagaon, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 18-08-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The informant is not an eye witness of the alleged occurrence but the informant claimed in his fardbeyan that having got information regarding the alleged occurrence, he came to his house and found his son in injured condition. The informant also claimed that his son had disclosed to him that the person, who had opened fire on him, had come from towards Thawe and opened fire from his back side. The informant also claimed that petitioner and other F.I.R named accused due to previous enmity committed the alleged crime.

Learned Additional Sessions Judge has referred some paragraphs of the case diary but submission on behalf of the

petitioner is that in the aforesaid paragraphs, except one witness, who happens to be full brother of injured, not a single witness claimed to have seen the petitioner committing the alleged crime. It is surprisingly enough that the brother of the injured did not disclose the above stated fact to the informant prior to the institution of the present case though the fardbeyan of informant was recorded in his presence.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the 9th Additional Chief Judicial Magistrate, Gopalganj in connection with Uchhkagaon P.S.Case No. 18 of 2016.

(Hemant Kumar Srivastava, J)

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