

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32112 of 2016

Arising Out of PS.Case No. -229 Year- 2015 Thana -LAXMIPUR District- JAMUI

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Yamuna Das, Son of Vijay Das, R/o Village- Sakal Bichala Tola, P.S.-
Laxmipur, District-Jamui

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Prasad, Advocate

For the Opposite Party : Mr. Kumar Ranjit Ranjan (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 19-09-2016

Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with Laxmipur P.S. Case No. 229 of 2015 registered for the offences punishable under Sections 147, 324, 364(A), 307 and 379 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, petitioner is named in the FIR with an allegation that the co-accused Rohit Das and four unknown kidnapped the informant. They demanded ransom of Rs. 8,00,000/-, otherwise to kill him. On refusal thereof, the petitioner fired upon the chest of the informant. In the result, the informant fell down but, in spite of that, the petitioner and others used to assault him and further Rohit Das shoot him on his back and, thereafter, they fled away with mobile and Hero Honda Passion Motorcycle of the informant.

Submission is of false implication and that the

prosecution story appears not probable and reliable that there was no such occurrence. Injury report does not support the prosecution version. Out of six injuries, five injuries are simple in nature and one injury is grievous. One of the co-accused Awan Kumar @ Awan Kumar Das @ Gore has been allowed bail by another co-ordinate Bench of this Court vide order dated 12.04.2016 passed in Cr. Misc. No. 14984 of 2016 and, as such, the petitioner deserves sympathetic consideration.

The learned APP duly assisted by the learned counsel for the informant opposes the prayer by submitting that in para-65 of the supplementary case diary, the nature of injury has been found dangerous to life and caused by fire arm. This injury is in the abdomen, which has been caused by the petitioner.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner which finds support in the statement recorded under Section 164 of the Cr.P.C also, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Laxmipur P.S. Case No. 229 of 2015 pending in the Court of learned Judicial Magistrate 1st Class, Jamui.

(Jitendra Mohan Sharma, J.)

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