

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38353 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -KHAGARIA District- KHAGARIA

Sonu @ Niraj Choudhary, Son of Ajay Chaudhary, resident of Village / Mohalla - Rahimpur, Nayatola, P.S. - Muffasil, District - Khagaria at present residing at Jayprakash Nagar, Ward No. 23, P.S.- Khagaria, P.S.- Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Ajay Kumar Thakur and
Mr. Nilesh Kumar, Advocates.
For the Opposite Party/s : Ms. Anita Kumari, A.P.P.
For the Informant: Mr. Vivekanand Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 28-11-2016 Heard Sri Ajay Kumar Thakur, learned counsel for the petitioner, Sri Vivekanand Singh, learned counsel for the informant and learned A.P.P.

The petitioner seeks bail in Khagaria (Muffassil) P.S. Case No. 49 of 2016 registered under Section 307 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

There is specific allegation against the petitioner that the petitioner fired causing injury by the side of testicles of the informant. Learned counsel for the petitioner submits that there is a bona fide land dispute between the parties and the probate case was decided in favour of the petitioner. The informant is the aggressor and he wanted to dispossess the petitioner. More than a

dozen criminal cases are pending against the informant.

On the other hand, Sri Vivekanand Singh, learned counsel for the informant, and learned A.P.P. submitted that the injury by the side of the testicles of the informant is opined to be grievous and caused by firearm. The petitioner has remained in jail for only five months.

Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail in Khagaria (Muffassil) P.S. Case No. 49 of 2016 at this stage. Accordingly, the same is rejected.

The petitioner may renew his prayer for bail after remaining nine months in jail.

(Prabhat Kumar Jha, J)

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