

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37984 of 2016

Arising Out of PS.Case No. -113 Year- 2006 Thana -UDWANTNAGAR District- BHOJPUR

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1. Karun Singh S/o Vishwanath Singh Resident of Village- Tetariya, P.S. Udwant Nagar, District- Bhojpur. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 23-09-2016

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Udwant Nagar P.S. Case No. 113 of 2006 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379/504 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner opened fire causing firearm injury on the chest of Binod Kumar Singh.

Submission is of false implication and that during course of investigation the Investigating Officer has recorded the statement of eye witnesses who stated that the firing was made by somebody else, there is counter version in which it is alleged that Binod Kumar Singh fired which hit the sister of the petitioner. It appears that from both sides there was exchange of firing. After completing investigation the petitioner was not sent up for trial but during trial the petitioner has been summoned under Section 319 Cr.P.C., resulting, he is suffering in

custody since 16.08.2016 after his surrender in the light of observation made in Cr. Misc. No. 17191 of 2016.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner is the assailant and he has caused firearm injury to Binod Kumar Singh on the vital part of the body and the injury report also corroborates the prosecution version.

In the facts and circumstances stated above, considering that the petitioner has been summoned under Section 319 Cr.P.C., the petitioner above named is directed to be released on bail 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 Additional Sessions Judge III, Ara in S. Tr. No. 860 of 2007 arising out of Udwant Nagar P.S. Case No. 113 of 2006, subject to the conditions that one of the bailors must be a 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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