

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5777 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -GAUTAMBUDHNAGAR District- SIWAN

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Chandra Shekhar Singh @ Chandra Shekhar Kumar S/o Sri Devendra Singh
Resident of village - Choudhary Patti, P.S. G.B. Nagar, District - Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

7 24-05-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in jail custody since
12.12.2015 in connection with G.B. Nagar P.S. Case No. 40 of
2015 registered for the offences punishable under Sections 307,
379 and other allied sections of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case is that while the informant along
with his nephew, namely, Vishal Kumar, Pappu Kumar and
Gautam Prasad was sitting at his shop, petitioner along with six
named and ten unknown accused persons came there and started
abusing him. It is further alleged that petitioner fired from his
pistol, which hit the finger of his right hand and when he tried to

escape, he again fired which hit his right leg. Petitioner again fired which hit his right shoulder, as a result of which he fell down. It is further alleged that accused persons also assaulted his other family members, damaged his motorcycle and taken away Rs. One lakh. Occurrence is alleged to have taken place due to land dispute.

It has been submitted by the counsel for the petitioner that the reason behind the occurrence is dispute over the ownership and title of a shop, which has been unauthorizedly taken away by the informant's side and that the petitioner has no criminal antecedent, as is evident from paragraph-3 of this petition. He submits that the petitioner is a Software Engineer, who had come to his village after two years to attend marriage ceremony in his family and has falsely been implicated in the aforesaid case. He further submits that a counter case has also been lodged by the petitioner's side, bearing G.B. Nagar P.S. Case No. 41 of 2015. Police had also registered a case, bearing G.B. Nagar P.S. Case No. 39 of 2015 for rioting and road blockade and petitioner's side also received injuries. He submits that from perusal of the injury report and the report of the Medical Board constituted for examination of the injured, it appears that the injuries are simple in nature, except, the fracture in the forearm, which has been found to be grievous and caused by hard and blunt

substance, which is not attributed to the petitioner and the allegation of firing is not supported as pellet was not found in the body of the informant. He further submits that being a man of status, he will not abscond or tamper with the evidence.

However, learned counsel for the informant and the learned A.P.P. for the State submit that the petitioner is named in the First Information Report and there is specific allegation of firing against him.

Be that as it may, since the petitioner is gainfully employed elsewhere as Software Engineer and considering the period of custody as also the fact that the injuries found on the person of the informant are simple in nature caused on the non-vital part of the body, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in connection with G.B. Nagar P.S. Case No. 40 of 2015.

(Nilu Agrawal, J.)

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