

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21880 of 2016

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1. Prabhat Kumar Singh @ Nikku Singh Son of Rudra Narayan Singh
Resident of Village- Sardih, PS Simri Bakhtiyarpur, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Manoj Kumar 1(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 13-07-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 307, 324 and 34 of the I.P.C and section
27 of the Arms Act.

Allegedly, two persons on the motorcycle wearing
helmet came near the informant and opened fire which hit on his
left wrist and also below the left chest and thereafter both fled
away after leaving their motorcycle. It is suspected that the
petitioner and his friend wanted to kill the informant.

Submission is of false implication only due to
suspicion, from perusal of the fardbeyan it reveals that the
informant has not identified the petitioner clearly but only on
suspicion he is named, during investigation the story has been
developed and the informant has stated that from the glass of

helmet he identified the petitioner, there is no allegation that the firing was repeated, charge sheet has already been submitted after concluding the investigation and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. submits that the motorcycle used in the crime was in the name of Sanjeev Kumar Singh son of Bikram Prasad Singh, vide paragraph-50 of the case diary.

In the facts and circumstances as stated above, considering that there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Saharsa in Saharsa P.S. Case No. 189 of 2016, 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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