

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10833 of 2016

Arising Out of PS.Case No. -217 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Jitendra Sahani Son of Gaji Sahani @ Laxmi Sahani resident of village -
Madhubanighat Tola Mathiya, P.S. Motihari Muffasil, District - East
Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Motihari Muffasil P.S. Case No. 217 of 2015 for the offences
instituted under Sections 307, 120-B and 34 of the Indian Penal
Code and Section 25(1-b), a, and 26 of the Arms Act.

As per prosecution case, the informant alleging therein
that on 26.07.2015 while he along with his friend Lalan Rai were
going to Madhubani on motorcycle in the meantime the petitioner
and co-accused Jhulan Paswan overtook them on motorcycle and
stopped his motorcycle and thereafter the petitioner opened fire
upon the informant causing injury in the abdomen and then the
informant and Lalan Rai caught the petitioner but he succeeded in
fleeing away with the help of Jhulan Paswan and others.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. There is admitted enmity between the parties. No offence under Section 25(1-b), a and 26 of the Arms Act. There is no recovery of any arms from the conscious possession of the petitioner. From perusal of the impugned order, it is evident that the nature of injuries are simple, hence no offence under Section 307 of the IPC is made out.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Motihari Town P.S. Case No. 217 of 2015 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Sadar, East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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