

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45086 of 2015

Arising Out of PS.Case No. -170 Year- 2014 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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1. Umesh Mistry Son of Ramjeet Mistry Resident of village - Gopi Bigha,
P.S. Magadh Medical, Distt. - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-01-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Magadh Medical P.S. Case No. 170 of 2014 registered for the offences punishable under Sections 324, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner and his father were coming towards the informant and thereafter, the petitioner opened fire causing injury on left shoulder of the informant and again tried to open fire but the informant any how escaped himself.

Submission is of false implication and that no injury has been found on the vital part of the informant, the injury found is simple in nature, no motive has been alleged for committing the

crime and as such the petitioner who is suffering in custody since 04.07.2015 deserves sympathetic consideration as no offence under Section 307 IPC is made out.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that the injury found on the person of the informant has been noticed simple in nature by the doctor and as such the petitioner above named is directed to be released on bail **after completion of nine months in custody from the date of remand in this case** on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Magadh Medical P.S. Case No. 170 of 2014, 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.

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(Jitendra Mohan Sharma, J)