

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47394 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -KOILWAR District- BHOJPUR

Munna Singh Son of Baban Singh Resident of Village Bag Majhauwa, P.S.
Koilarwar, District Bhojpur..

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Pandey(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 12-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Koilarwar
P.S. Case No. 47 of 2015 registered for the offences punishable
under Sections 399, 402, 326, 307, 353, 333/34 of the Indian
Penal Code and Section 27 of the Arms Act.

Allegedly, the informant and other police personnel
acting on a tip off, went at the place of occurrence and saw 4-5
persons assembled and they after seeing the police personnel,
opened firing upon the police party resulting constable Pintu
Kumar Chauhan, received bullet injury in his chest and further, in
spite of warning they resorted to firing however, after chase two
persons were caught including the petitioner and from possession

of the petitioner one revolver containing one fired bullet and two misfired and two live cartridges were recovered.

Submission is of false implication and that the petitioner has been made victim of the circumstance, for recovery of fire arm another case has been registered, there is no specific allegation against the petitioner for injuring the constable, the fire arm recovered, is licensed weapon belonging to Amrita Singh, wife of Devendra Singh, who is co accused in the present case and Amrita Singh was misbehaved by police personnel which was opposed resulting lodging of this false case. In the case diary, there is no injury report of the constable and co-accused Mewa Lal Singh, who was caught with the petitioner, has already been allowed bail vide order dated 11.08.2015 passed in Criminal Miscellaneous No. 29378 of 2015 and, as such, the petitioner who is suffering in custody since 23.02.2015, deserves sympathetic consideration, to which the learned A.P.P. seriously opposes by submitting that the petitioner has caused fire arm injury to the constable and from his possession, revolver was recovered containing one fired bullet.

In the facts and circumstances stated above, considering that charge-sheet has already been submitted and the petitioner by remaining in custody, has been sufficiently penalized

at this stage and, as such, the petitioner, above named, is directed to release 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 C.J.M., Bhojpur at Ara arising out of Koilwar P.S. Case No. 47 of 2015 subject to the conditions that one of the bailors must be 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)

siddharth/-

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