

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2300 of 2016

Arising Out of PS.Case No. -224 Year- 2011 Thana -MASRAKH District- SARAN

=====

1. Dina Nath Singh Son of Late Basudeo Singh resident of Village -
Masrakh, Police Station - Masrakh, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raghwendra Kumar

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

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 27-01-2016 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional
Public Prosecutor for the State.

Petitioner is named in the first information
report with allegation that he opened fire causing firearm
injury on the hand of the deceased but submission on behalf
of the petitioner is that in course of investigation, several
witnesses stated that it was one Maheshwar Singh, who
opened fire as a result whereof, deceased sustained injury.
Learned counsel for the petitioner also pointed out that while



considering the bail prayer of co-accused, Kedar Nath Singh @ Kedar Singh vide order dated 09.11.2015 passed in Cr. Misc. No. 45408 of 2015, this court noticed that in course of investigation, the officer in charge of concerned police station was present on the place of occurrence and disclosed that the persons, who had come along with the petitioner, had opened fire on the deceased and, therefore, the aforesaid fact clearly goes to show that it was not the petitioner but others who opened fire on the deceased.

On the other hand, learned counsel appearing for the informant having relied upon the decision reported in **JT 2015(9) SC 61 (Neeru Yadav vs. State of U.P. and Anr.)** submitted that petitioner is a veteran criminal and there is specific allegation of causing firearm injury to deceased and, therefore, petitioner does not deserve the privilege of bail.

Considering the aforesaid submissions as well as facts and circumstances of the case, particularly, taking note of statement of an independent witness, who happens to be police official and present on the place of occurrence, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like

amount each to the satisfaction of 5th Additional Sessions Judge, Saran at Chapra in connection with Sessions Trial No. 78 A of 2015 arising out of Masrakh P.S. Case No. 224 of 2011.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--