

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21435 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -BANIAPUR District- SARAN

=====

1. Jitendra Kumar Sah @ Jitendra Sah Son of Sri Dharam Nath Sah,
resident of village- Lauwan Kala, P.S.- Baniyapur, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Binod Singh

For the Opposite Party/s : Mr. Sanjay Kr. Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 15-07-2016

Heard the learned counsel for the petitioner, the
learned A.P.P for the State as also the learned counsel for the
Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 341, 307, 120 B, 387 and 34 of the I.P.C
and section 27 of the Arms Act.

As per allegation made in the fardbeyan of the
informant the firing made by the petitioner did not hit the
informant but he lost the balance and fell down with the
motorcycle and then other co-accused fired upon him.

Submission is of false implication and that the
informant has taken Rs. 9,00,000/- from the petitioner and to grab
that amount the informant implicated the petitioner, during
investigation this fact has been stated by the witnesses Sarfuddin,
Deepak Manjhi and Chandrama Rai, vide paragraphs- 6, 7 and 8

of the case diary, and as alleged due to firing made by the petitioner no injury was caused to the informant and as such the petitioner deserves sympathetic consideration as he is in custody since 31.03.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that it was the petitioner who had first opened firing resulting the informant fell down then other co-accused fired upon the informant and injured him.

In the facts and circumstances as stated above, 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 Sri Rakesh Kumar Yadav, J.M. 1st Class, Chapra in Baniyapur P.S. Case No. 33 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.

(Jitendra Mohan Sharma, J)

Abhay/-

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