

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54657 of 2016

Arising Out of PS.Case No. -115 Year- 2016 Thana -KARAHGAR District- SASARAM (ROHTAS)

=====

Binod Chaudhary, Son of Dwarika Chaudhary, Resident of Village-
Bharsara, Police Station- Kargahar(Barhara) in the district of Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -1, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
27.06.2016 in connection with Karaghar (Barhari) P.S. Case No.
115/16 registered for the offences punishable under Section 307
and other allied Sections of the Indian Penal Code and under
Sections 25(1-b) A, 26, 27, 35 of the Arms Act.

Allegedly petitioner and other accused persons
opened fire, resultantly Suryanath Kumar, the husband of the
informant received injury in his stomach and thereafter
shopkeeper Mahadeo Sah and Vishwanath Sah intervened into the
matter and then the husband of the informant started fleeing away
but again firing was made which hit the door plank of Shivilal Sah,



thereafter the miscreants also opened four round firing on Mahadeo Sah and Vishwanath Sah and they fled away. Mahadeo Sah and Vishwanath Sah identified the miscreants and named the petitioner and others.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has falsely been implicated in the aforesaid case due to personal enmity. It is submitted that Pintu Singh and Amarjit Kumar @ Dhanava, who are alleged to have caused fire injury along with the petitioner have since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 41901 of 2016 and Cr. Misc. No. 38107 of 2016 on 20.10.2016. It is submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, considering the facts and circumstances and submission of the parties, since charge-sheet has already been submitted and other co-accused on similar allegation have been granted the privilege of bail, let the petitioner, above named, be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Rohtas at Sasaram, in connection with Kargahar(Barhari) P.S. Case No. 115/16, subject to the condition that one of the bailors would be a close relative and the other bailor must have sufficient immovable properties within the jurisdiction of the concerned police station and that petitioner shall appear before the court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Rajesh/-

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

