

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13817 of 2016

Arising Out of PS.Case No. -447 Year- 2015 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Dhiraj Kumar Son of Triveni Thakur R/o Village- Machaha, PS Muffasil,
District Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. C.Jawahar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 11-05-2016 Heard the learned counsel for the petitioner and the

learned A.P.P representing the State.

The petitioner seeks bail in connection with
Muffasil P.S. Case No. 447 of 2015 registered for the offences
punishable under Sections 326 and 307/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegedly, the petitioner and co-accused Niraj
Kumar opened fire upon the informant and fled away, as from
earlier there was enmity.

Submission is of false implication and that there is
no specific allegation against the petitioner. The informant was
examined by the doctor and the doctor found entry wound

1½"x1½" communicating to abdominal cavity caused by firearm, the informant was examined by the doctor on 08.11.2015 itself whereas requisition from the police for injury report came later on i.e. on 09.11.2015, the petitioner has got no criminal antecedent and he is suffering in custody since 02.01.2016.

Both the parties are gotiyas. Co-accused Niraj Kumar has already been allowed bail by the learned court below itself and as such, the petitioner also deserves sympathetic consideration.

The learned APP duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that grievous injury has been found on the vital part of the informant and witnesses have supported the prosecution version.

In the facts and circumstances stated above, the petitioner shall be released on bail after completion of nine months in custody 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 Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 447 of 2015, 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)

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