

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11315 of 2016

Arising Out of PS.Case No. -130 Year- 2015 Thana -VISHNUPAD District- GAYA

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1. TINKU @ ROHAN @ ROHAN LAL @ ROHAN LALA Son of Sri
Surendra Prasad resident of Mohalla - Delha, P.S. Delha, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Renu Kumari (App)

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

ORAL ORDER

4 28-04-2016 Supplementary affidavit has been filed on behalf of

the petitioner disclosing the criminal antecedent of the

petitioner.

Let it be kept on record.

Heard the learned counsel for the petitioner and the

learned A.P.P. representing the State.

The petitioner seeks bail in connection with

Vishnupad P.S. Case No. 130 of 2015 registered for the

offences punishable under Sections 307, 120(B) of the Indian

Penal Code and Section 27 of the Arms Act.

Allegedly, the person sitting on the back seat of

motor-cycle shot the informant which hit in his temporal and

bullet passed out through mouth and the petitioner was

identified that he has shot the fire.

Submission is of false implication due to previous enmity, no fire arm injury was found on the person of the informant and the nature of injury is simple and caused by hard pointed object and, as such, the petitioner suffering in custody since 30.11.2015, deserves sympathetic consideration as there is no allegation that he repeated the firing.

The learned A.P.P. opposes the prayer of bail by submitting that on the discharge ticket of ANMMCH, Gaya, bullet injury over right side of neck is mentioned and the informant was referred to PMCH / IGIMS, Patna for further management.

In the facts and circumstances stated above, the petitioner, above named, ***shall be released on bail after completion of nine months in custody from the date of his remand*** 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, Gaya, in connection with Vishnupad P.S. Case No. 130 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.

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(Jitendra Mohan Sharma, J)