

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22240 of 2016

Arising Out of PS.Case No. -69 Year- 2008 Thana -SALKHUA District- SAHARSA

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Nirash Sada @ Nirsu Sada, son of Late Lalo Sada, resident of village-Siman Tola (Karmu tolae), O.P. Chiraiya, Police Station- Salkhua, District-Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate

For the Opposite Party : Mr. D.N Azad (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody in connection with Salkhua P.S. Case No. 69 of 2008 for the offences instituted under Sections 341, 323, 379, 386, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story in brief, is that on 3.4.2008 while informant was engaged in uprooting 'Matar' crop in his field with the help of labourers, then one Laxmi Sada came near him and told that one Rakesh Choudhary is calling you then informant along with Laxmi Sada went to the house of Suresh Sada and saw about 20-22 persons including women were present in the room having pistol and rifle in their hands, who were Maobadi. It is alleged that one Rakesh told him to give tax and all

the accused persons fisted and slapped him and out of them some one taken his mobile as well as cash of Rs. 3100/- Thereafter, some one has told to shoot him then Nirasah Sada opened firing aiming him which hit in the back near waist and presuming him to be dead the accused persons left the place.

It has been submitted on behalf of the petitioner that petitioner is in custody since 28.11.2015. Charge sheet has been submitted in this case. There is no allegation of tampering of the witnesses against the petitioner. The injury was caused on non-vital part of the body. Hence, no offence under section 307 of the Indian Penal Code is made out against the petitioner.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Additional Chief Judicial Magistrate- II, Saharsa, in connection with Salkhua P.S. Case No. 69 of 2008.

(Sudhir Singh, J.)

Rajiv/-

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