

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15608 of 2017

Arising Out of PS.Case No. -1034 Year- 2016 Thana -SAHARSA District- SAHARSA

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Sumit Kumar, son of Sri Ram Yadav, resident of Sarahi Ward No.5, Bengha Road, P.S. and District-Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 11-05-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sadar/Saharsa P.S. Case No.1034 of 2016 registered under Sections 341, 307, 504 and 506/34 of the Indian Penal Code besides Section 27 of the Arms Act, pending in the court of Sri R. Choubey, Chief Judicial Magistrate, Saharsa.

The accusation is that in course of returning of Chhotu Kumar, the younger brother of the informant Santosh Kumar Mandal, after closing his shop to his house boarding on the motorcycle, this petitioner and one Lav Kumar tried to overtake him. In that course, there was hot exchange of words in between them and, in the meantime, on the order of Lav Kumar, this



petitioner opened fire 5-6 rounds through his pistol causing firearm injury to Chhotu Kumar, the younger brother of the informant.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the informant is not an eye witness to the occurrence and the petitioner having no criminal antecedent is in custody since 20.12.2016.

On the other hand, learned A.P.P. for the State submits that the injured Chhotu Kumar, the younger brother of the informant, in his statement, as detailed in paragraph-19 of the case diary, has specifically stated about opening fire by this petitioner and the injury caused to him is grievous in nature.

Having regard to the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

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