

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30271 of 2017

Arising Out of PS.Case No. -1005 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Chhotu Kumar Mishra S/o Sri Jageshwar Jha @ Sri J. Jha resident of Village - Phakir Tola, (Vidyapati Nagar), P.S. - Sadar Saharsa, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 25.2.2017 in connection with Saharsa Sadar P.S. Case No. 1005 of 2016 for offences punishable under Sections 341 and 307/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was standing near his house, the petitioner along with another named co-accused and two others un-named, came on a motorcycle and started indiscriminate firing as a result he received one gun shot injury on his leg and one Vidyanand Kumar was also injured.



It has been submitted by the learned counsel for the petitioner that he is innocent, and has not committed any offence and only one injury has been found on the person of injured which is simple in nature and that other named accused has since been granted privilege of bail by a co-ordinate Bench of this Court in Cri. Misc. No. 25073 of 2017 on 05.07.2017. He submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 1005 of 2016 subject following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.



(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Nilu Agrawal, J)

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