

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27797 of 2017

Arising Out of PS.Case No. -232 Year- 2015 Thana -JAKKANPUR District- PATNA

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1. Dhuri Paswan, S/o Sri Upendra Paswan, Resident of Village-Makhdumpur, P.S.- Karay Parsuai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Mustaque Alam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Jakkanpur P.S.
Case No. 232/2015 for offences punishable under Section 307 and
other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he is a salesman in Om Marble and Tiles and on 06.07.2015 at
6.45 P.M. two persons entered the showroom and demanded to
select the varieties of marbles. While the informant was showing
marbles, the two persons threatened him on gun point to give all
money from the chest and when the informant denied of having



any money in the chest, the petitioner along with co-accused fired, as a result of which the informant got seriously injured.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and is languishing in jail custody since 06.11.2016. He submits that nothing has been recovered from his possession, no T.I. Parade has been done and it is only on the confession of wife of one Ranjeet Sao, who was the owner of the motorcycle that his name surfaced. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner was identified by the informant from his photograph, the injury has been found to be grievous and that he bears a criminal antecedent.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of one year in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate 1st, Patna, in connection with Jakkanpur P.S. Case No. 232/2015,



subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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