

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6738 of 2017

Arising Out of PS.Case No. -2 Year- 2014 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Jai Ram Choudhary Son of Raj Kumar Choudhary Resident of Muhalla-
Khirkighat, P.S. Sasaram, Distt- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 13-04-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in jail custody since
13.07.2016 in a case registered for offences punishable under
Sections 447, 341, 323, 307, 504, 506 and 34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant is
that there was fight between his son, Vishal Kumar and son of co-
accused, Raj Kumar Choudhary due to which the petitioner along
with others came armed with deadly weapons and Vikash
Choudhary fired upon the head of the informant with a pistol
upon which his wife came to rescue him but the wife of the



informant was assaulted by the petitioner and co-accused, Vikash Choudhary, who fired upon the head of his wife and brutally beaten his son.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the aforesaid case. He submits that the allegation upon the petitioner is of firing on the informant's wife but the medical report including the supplementary report shows that injury has been caused by the hard and blunt substance, which is itself contradiction of the prosecution story. He further submits that even otherwise there is only one injury, which can not be attributable to the petitioner as the allegation is that two persons fired on the informant's wife. It has further been submitted that charge sheet has been submitted against the petitioner, hence, there is no chance of tampering with the prosecution evidence.

Learned counsel for the informant submits that injury caused on the wife of the informant is grievous in nature, hence, opposes the prayer for bail.

Learned counsel for the State also opposes the prayer for bail.

Considering the facts and circumstances and that charge sheet has already been submitted, 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 Additional Sessions Judge VIII, Rohstas at Sasarm in connection with Sasaram (T) P. S. Case No. 2/2014, subject to the condition that one of the bailors must be a close relative of the petitioner, who shall swear an affidavit of his relationship with the petitioner and other bailor would have sufficient immovable property within the jurisdiction of the concerned police station and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

(Nilu Agrawal, J)

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