

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28854 of 2017

Arising Out of PS.Case No. -716 Year- 2016 Thana -NAWADA District- NAWADA

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1. Rajesh Chaudhary Son of Late Mahendra Chaudhary, Resident of
Village- Linpar Mirzapur, Nawada, P.S.- Nawada, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 06-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
04.01.2017 in connection with Nawada Town P.S. Case No. 716
of 2016 for offences punishable under Sections 307, 34 of the
Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he and his brother Dilip Kumar were closing the shop at
10.05 P.M. three persons were standing there and upon enquiry all
of them fired which hit the informant on his back and the accused
persons managed to flee away.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report and has been falsely implicated in the aforesaid case. He submits that it is only on the basis of his extra judicial confessional statement and the confessional statement of co-accused Pramod Kumar that he has been made accused in the present case. He further submits that the said Pramod Kumar has since been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 18353 of 2017 on 19.04.2017 and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. It is further submitted that the injury found on the informant has been assessed to be simple in nature.

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

Considering the facts and circumstances and the materials on record as well as the period of custody, 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, Nawada, in connection with Nawada Town P.S. Case No. 716 of 2016.

(Nilu Agrawal, J)

Rajesh/-

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