

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20781 of 2017

Arising Out of PS.Case No. -31 Year- 2013 Thana -KHUDWAN District- AURANGABAD

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Chitranjan Sharma @ Munna, Son of Bijendra Sharma, Resident of
Village and Police Station- Khudwan, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur with Mr. Bipin
Kumar, Advocates

For the Informant : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.2, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 22-06-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with
Khudwan P.S.Case No. 31 of 2013 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 504, 307 and
302 of the Indian Penal Code.

FIR is two stages, firstly it is alleged that petitioner
along with others is of cutting and digging the land of the
informant and on protest they started abusing him and threatened
him. Other part of allegation is that accused persons came and
started firing on the deceased causing injury on his back and he
succumbed to injury.

It has been submitted on behalf of the petitioner that



from perusal of the case diary it appears that Shailendra Sharma and others fired at the deceased on his chest, which is supported by several witnesses in paragraphs 73 and 74 of the case diary as well as in paragraphs 6, 7, 14 and 15 of the supplementary case diary it is stated by the witnesses that firing took place but by other accused persons. It has further been submitted that post mortem report shows there is injury on the back but the same is exit injury and considering the aforesaid fact petitioner has not been sent up for trial. However, learned Magistrate differing with the opinion of the I.O. has taken cognizance against the petitioner and he is in custody since 7.3.2017.

Heard learned APP and learned counsel for the informant also. Learned counsel for the informant has opposed the prayer for bail on the ground that in the FIR there is specific allegation of firing against the petitioner and there is injury on the back of the deceased and the witnesses have supported the prosecution case and the contention of alibi is not correct as the petitioner has committed the offence and, as such, he does not deserve bail at this stage.

Having heard both sides and considering the fact that though large number of witnesses have not supported the prosecution case and the post mortem report shows that the injury



on the back of the deceased is the injury of exit, let the petitioner, named above, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Khudwan P.S.Case No. 31 of 2013, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner 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 reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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