

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1435 of 2017

Arising Out of PS.Case No. -65 Year- 2016 Thana -BALIA District- BEGUSARAI

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Himmat Chaudhary son of Devendra Chaudhary resident of village -
Masudanpur, P.S. - Balia, District - Begusarai.

.... Appellant

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vipin Kumar, Advocate

For the Respondent/s : Mr. P.K. Sahi, Advocate

: Mr. Binay Krishna, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-07-2017 The appellant seeks bail in connection with Balia P.S.

Case No. 65 of 2016 registered for offences punishable under
sections 147, 148, 149, 341, 342, 302 of Indian Penal Penal and
Section 27 of the Arms Act and 3 (2) (v) of SC/ST (Prevention of
Atrocities) Act.

Allegation against the appellant is that he along with
other co-accused persons made indiscriminate firing due to which
two persons succumbed to the injuries.

Learned counsel for the appellant submitted that he is
innocent and has not committed such offence. Further it is stated
that it appears from the deposition of eye-witness Sarita Devi, as
contained in Annexure-3, that she has stated that the appellant and
Devendra Choudhary were not present there. It is further stated
that co-accused Devendra Choudhary has already been granted
bail by a coordinate Bench of this Court vide order dated



22.02.2017 passed in Cr.Appeal (SJ) No. 735 of 2016. It is stated that the appellant is in custody since 04.05.2016.

Heard learned Special P.P. also.

Having heard both sides and considering the aforementioned facts and circumstances, this appeal is allowed, let appellant surrender before the Court of Special Judge within a period of four weeks and on his so surrendering the Court below will release him on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge SC & ST (Prevention of Atrocities) Act, Begusarai in connection with Balia P.S. Case No. 65 of 2016, subject to the following conditions:-

(i) One of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The appellants 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.

(Vinod Kumar Sinha, J)

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