

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15071 of 2018

Arising Out of PS.Case No. -222 Year- 2017 Thana -ATHMALGOLA District- PATNA

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1. Rahul Kumar Son of Sri Parmanand Sharma @ Karu Barhi Resident of
Village- Chandipar, Nichali Gali, P.S. Barh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Manglam

For the Opposite Party/s : Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 30-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Victim Santosh Kumar sustained firearm injury on 06.09.2017. He was carried to the hospital on the same day. At P.M.C.H. fardbeyan of his uncle was recorded by the police wherein the informant disclosed that Santosh had disclosed name of his assailants which includes this petitioner also.

Submission of the learned counsel for the petitioner is that in fact the informant is not an eye witness of the occurrence. Moreover, there is no material to substantiate that the victim was in a condition to make statement before anyone nor the



injury found by the Doctor, performing post mortem examination, goes to show that the victim might be in a condition to make statement because injury was caused in the head, in the stomach and also at the chest of the injured. Moreover, there is no eye witness of the occurrence. Petitioner is in custody since 09.09.2017. Investigation of the case is already complete.

Learned counsel for the informant opposed the prayer for bail.

Considering the aforesaid material, there is no reason to further detain the petitioner as under trial prisoner, hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 08 of 2018 arising out of Athmalgoal Police Station Case No. 222 of 2017, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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