

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31563 of 2018

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

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1. Satyam Sekhar Jha @ Major @ Satyam Sekhar @ Major Son of Sri Madhusudan Jha resident of village - Chandipar, Nichai 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. Amit Kr. Anand

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-05-2018 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Athmalgola PS case no. 222 of 2017 instituted for the offences punishable under Sections 302, 120B/34 of Indian Penal Code and Section 27 of Arms Act.

The allegation is regarding the victim Santosh Kumar sustaining firearm injury on 06.09.2017. He was carried to the hospital on the same day. At PMCH, *fardbeyan* of his uncle was recorded by the police wherein, the informant disclosed that Santosh had disclosed the name of his assailants which includes this petitioner also.



The learned counsel for the petitioner submits that infact, 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 on the head, in the stomach and also at the chest of the injured. Moreover, there is no eye-witness of the occurrence. It is further submitted that the petitioner is languishing in custody since 08.11.2017. It is further submitted that similarly situated co-accused person has been enlarged on bail by this Court by an order dated 30.04.2018 passed in Cr. Misc. no. 15071 of 2018.

Having regard to the facts and circumstances of the case, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of 3rd Additional Sessions Judge, Barh, Patna in connection with Athmalgola PS case no. 222 of 2017.

(Mohit Kumar Shah, J)

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