

THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54164 of 2017

Arising Out of PS.Case No. -125 Year- 2017 Thana -CHAND District- BHABHUA (KAIMUR)

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Anup Kumar Gupta @ Anup Gupta Son of Rama Shanker Sah Resident of
Village and P.S. Chand, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 04-01-2018 Heard the learned counsels for the petitioner, the
informant and the State.

The petitioner seeks bail in connection with Sessions
Trial No. 300 of 2017, arising out of Chand P.S. Case No. 125 of
2017 dated 26.05.2017 instituted for the offences under Sections
341, 323, 324, 307, 504, 302 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner is alleged to have fired at the
deceased which hit him in his hand. Thereafter it is alleged that
father of the petitioner snatched the weapon of assault from him
and again fired at the deceased which hit him in his chest leading
to his death.

Learned counsel for the petitioner has submitted



that the petitioner is not the author of the fatal injury suffered by the deceased. The petitioner and the informant are related to each other and stay next doors. From the FIR also, it would appear that there is a dispute with respect to measurement of land between the parties. The father of the petitioner who is said to have given the fatal injury, is in jail.

After submission of the charge sheet in this case, charges have been framed and the trial is about to begin. It has thus been submitted on behalf of the petitioner that if he is released on bail, he would not be in a position to tamper with the evidence.

The petitioner is in custody since 27.05.2017.

Regard being had to the fact that the petitioner is not the author of the fatal injury and is related to the informant and the deceased as well as the period of custody undergone by him, this Court is inclined to grant bail to him.

In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge, 1st, Bhabua at Kaimur in connection with Sessions Trial No. 300 of 2017, arising out of Chand P.S.



Case No. 125 of 2017.

However, it is made clear that the petitioner shall participate in the trial and would not make any efforts to impede the process of trial. Should he be found doing so, it would be open for either the informant or the police or the trial court to proceed for cancellation of bail of the petitioner.

(Ashutosh Kumar, J)

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