

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17419 of 2019**

Arising Out of PS. Case No.-40 Year-2018 Thana- NADI NAINAHA District- West
Champaran

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Nagendra Chaudhary, son of Sharda Chaudhary, Resident of Village -
Bhagwanpur, P.S.- Nadi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 29-03-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
10.11.2018 in connection with Nadi Nainaha P.S. Case No.40 of
2018 registered for the offences punishable under Sections 341,
120(B), 307, 506/34 of the Indian Penal Code.

The prosecution case, as per the fardbeyan of Chunni
Chaudhary submitted to Nadi P.S. is to the effect that on 07.11.2018,
informant Chunni Chaudhary was sitting at his door, in the
meantime, co-accused, Sarda Chaudhry threatened to kill the brother
of informant in the front of his door, whereupon informant reached
near P.O. to rescue, thereafter accused persons armed with
contingent guns and lathi came on door of informant and ordered to
kill the informant. Thereafter, petitioner opened fire with a country
made gun upon the informant, consequently he received fire arm
injury which hit on his thigh. On alarm being raised villagers came



then all the accused persons flee away.

It is submitted by learned counsel for the petitioner that the impugned order does not suggest the nature of injury caused by the petitioner. There is a counter version of occurrence being Nadi Nainaha P.S. Case No.42 of 2018. It is further submitted that the petitioner is not having criminal antecedent, statement to that effect is made in paragraph no.3 of the bail application.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that the specific accusation is levelled against the petitioner and he is named in the FIR.

Considering the nature of accusation and the fact that the investigation has already been concluded, there is no repetition of blow coupled with the fact that petitioner is not having criminal antecedent, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Bagaha, West Champaran in connection with Nadi P.S. Case No.40 of 2018.

(Dinesh Kumar Singh, J)

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