

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79895 of 2018

Arising Out of PS. Case No.-267 Year-2018 Thana- UCHKAGAON District- Gopalganj

Balkhila Singh, S/o Late Ramai Singh aged about 40 years, R/o Vill.- Arna
Bazar, P.O. + P.S. Unchakagan District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma

For the Opposite Party/s : Dr. Indiwari Kumari

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-01-2019 The petitioner seeks bail in anticipation of his arrest in connection with Uchakagaon P.S. Case No. 267 of 2018, dated 12.10.2018, instituted for the offences under Sections 341, 323, 307 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant/victim has alleged that while he was coming back home on a motorcycle, the petitioner and others surrounded him and the petitioner is alleged to have fired from his weapon hitting him in his chest. The informant has, thereafter, stated that he was taken to hospital the next day for treatment.

The learned counsel for the petitioner has



submitted that this story in the F.I.R. is not worthy of any credence because if anybody is hit by gunshot, he would not wait overnight and get himself treated on the next day. The only presumption, therefore, is that the petitioner has been framed in this case for some oblique purposes.

It has also been pointed out by the learned counsel for the petitioner that the informant/victim does not wish to prosecute the petitioner any further. This fact gets reflected from the order impugned, wherein the learned Court below has recorded that the informant was present before him in person when the bail application of the petitioner was being moved.

Considering the facts aforestated as also taking into account that the petitioner does not have any criminal antecedents, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction



of learned Additional Chief Judicial Magistrate-IX, Gopalganj
in connection with Uchakagaon P.S. Case No. 267 of 2018,
subject to the conditions laid down under Section 438(2) of
the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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