

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78717 of 2018

Arising Out of PS. Case No.-240 Year-2018 Thana- BIHARSHARIF District- Nalanda

Chhotu Kumar Son of Rai Jee @ Ram Pravesh Yadav, Resident of Village-
Neemganj, P.S.- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Adv.

For the Respondent/s : Mr.Sri Ajay Kumar -2 (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 15-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Bihar P.S. Case No. 240 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 329, 326, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Informant is the father of injured victim who has stated in his fardbeyan that while he was in his house he heard a noise outside and saw that accused Lotu Kumar along with his associates is assaulting his son Ashutosh Kumar and then his brother Chhotu Kumar went and pacify them. Thereafter Lotu Kumar along with F.I.R. named accused including the petitioner and 4-5 unidentified persons came there and started firing upon his son and brother as a result of which they sustained injury and were admitted in hospital for



treatment.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. There is no specific allegation of firing made against him. His name has been included in subsequent paragraph of F.I.R. because of enmity. He has no criminal antecedent. He is in custody since 12.09.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda, in connection with Bihar P.S. Case No. 240 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/-

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