

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80192 of 2018

Arising Out of PS. Case No.-628 Year-2018 Thana- KHAJANCHI HAT District- Purnia

Shubham Kumar Choudhary @ Subham Choudhary, son of Sanjiv Choudhary, resident of village, Shanti Neketan Tatma Toli P.S. K. Hat (Sahayak), District, Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 10-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in K. Hat (Sahayak) P.S. Case No. 628/18 registered for the offence punishable under Sections 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged that while he was taking tea on a tea shop, three miscreants borne on motorcycle came and the persons sitting in the middle fired upon him as a result of which he sustained firearm injury in his ankle whom he recognized as petitioner and has further alleged that on previous night, there was altercation between them and he had threatened that he would kill him.

It has been submitted on behalf of the petitioner that he has been implicated in this case on suspicion only. Injury is



simple in nature, however, injury report confirms that it is a firearm injury. Charge-sheet has already been submitted. Petitioner has no criminal antecedent and he is in custody since 18.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Sahayak) P.S. Case No. 628/18, with following 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 the Court and his absence on two consecutive dates without sufficient reason, 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)

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