

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68646 of 2019

Arising Out of PS. Case No.-208 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

Awadh Bihari @ Gama Singh @ Awadh Bihari Singh @ Gama S/O
Dudheshwar Gama Resident of Village- Sakhua, P.S.- Udwant Nagar,
District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-01-2020 Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the offence punishable under sections 307/504/34 of the IPC and section 27 of the Arms Act.

The prosecution case, in brief, is that on 02.06.2019 at about 21.45 PM, the petitioner along with co-accused persons came near the tree at Pakadi near the house of Jitendra Singh in drunken condition and started abusing him. The informant forbade and went from there. It has further been alleged that the petitioner after five minutes returned armed with double barrels gun, the petitioner fired on him which hit on the lower part of left leg of the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to previous enmity and no such occurrence has been taken place and no case under section 307 of the IPC is made out against the petitioner. The injury has been found on lower



part of left leg, which is not on a vital part of the body and also the said injury is not dangerous. Petitioner is in custody since 07.09.2019 and he has got no criminal antecedent.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate Bhojpur at Ara in Udwant Nagar Police Station Case No. 208 of 2019, on the following conditions:-

(1) 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.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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