

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72660 of 2019

Arising Out of PS. Case No.-202 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

Baleshwar Kushwaha @ Makhau, aged about 55 years, gender-male, Son of Late Lochan Kushwaha Resident of Village-Sawath, P.S.-Durgawati, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-03-2020

The petitioner seeks bail in connection with Sessions Trial No. 257 of 2019 arising out of Durgawati P.S. Case No. 202 of 2019, dated 22.07.2019, instituted for the offences under Sections 307, 341, 323 and 504 of the Indian Penal Code and 27 of the Arms Act.

The petitioner is in custody since 16.09.2019.

From the perusal of the F.I.R., it appears that the petitioner is the maternal uncle of the informant who is said to have fired from his weapon injuring the informant. It has been submitted on behalf of the petitioner that the F.I.R. is not worth accepting as the



case was lodged after two days of the occurrence. The injury suffered by the informant has been opined to be simple in nature.

However, the trial of this case has commenced and two witnesses have already been examined; one being the informant who has not supported the prosecution version in as much as he has said before the trial court that he did not see who fired at him.

Considering the aforestated facts, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Sessions Trial No. 257 of 2019 arising out of P.S. Case No. 202 of 2019.

The application stands allowed.

(Ashutosh Kumar, J)

GAURAV S./-
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