

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4709 of 2022

Arising Out of PS. Case No.-479 Year-2018 Thana- BIHAR District- Nalanda

Md. Seraj Son of Late Md. Aslam Resident Of Village- Chainpura, P.O.-
Biharsharif, P.S.- Bihar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar, Advocate
For the State	:	Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bihar P.S.
Case No. 479 of 2018 registered for the offence under Section
307 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.04.2021.

The allegation against the petitioner is to fire upon the
informant, causing fire arm injury over the chest, having
intention to cause death, in the background of family dispute.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case due to family dispute. It is submitted that false implication gets its further strength from the fact that no injury report could be procured in the present occurrence, where chargesheet has already been submitted. It is also submitted that nothing incriminating like empty cartridge was recovered from the place of occurrence, in support of allegation, which may connect this petitioner with the present occurrence. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that chargesheet has been submitted without injury report.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced to corroborate the allegation coupled with the fact that chargesheet has been submitted without injury report, let the petitioner, above named, is directed to be released on bail in connection with Bihar P.S. Case No. 479 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Additional District Judge-V, Nalanda at Biharsharif/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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