

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13572 of 2023

Arising Out of PS. Case No.-126 Year-2021 Thana- CHAUSA District- Madhepura

Sittu Kumar @ Shyamdeo Kumar Son Of Deep Narayan Yadav R/O Village-
Rasulpur Dhuria, P.S.- Chousa, District- Madhepura.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

In terms of defect as pointed out by the office, the hard copy of this petition supplied to learned APP for the State during the course of hearing. It is further pointed out that certain defect(s) as regard to case number and prior filing of anticipatory bail, which can be removed during the course of day, if permitted.

Request allowed.

Defect(s) as pointed out be cured during the course of day itself.

The petitioner seeks bail in connection with Chousa P.S. Case No. 126 of 2021 registered for the offence under Sections 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 07.07.2022.

The allegation against the petitioner is to open fire upon the informant, causing bullet injuries on right side of chest.

Learned counsel appearing on behalf of the petitioner submitted that from the narration of FIR, it can be gathered safely that the informant is not the eye-witness of the occurrence. Learned counsel submitted that implication of petitioner appears out of certain confusions, which now compromised between the parties. It is submitted that occurrence took place out of local disputes and differences and despite of having all occasions, no repeated firing was made, suggesting that petitioner was not under intention to cause death of injured. It is also submitted that informant has already examined as PW-1 before the Trial Court where she denied the occurrence. It is also pointed out that till now only single witness has been examined and as such it can be said safely that trial is not likely to concluded in near future. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above and also by taking nature of accusation/allegation, where petitioner is in custody since 07.07.2022, coupled with the fact that trial is not likely to be concluded in near future, accordingly, petitioner above named, is directed to be released on bail in S.T. No. 228 of 2022 arising out of Chousa P.S. Case No. 126 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Session Judge-III, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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