

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73200 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- BASANHI District- Saharsa

CHHOTU KUMAR Son of Sri Chandra Kishore Yadav R/V- Mariya, P.S-
Basnahi, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 457, 307/34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, the petitioner and co-accused Himanshu Kumr forcibly entered into the house of the informant with an intention to kill elder son (Prince Kumar) of the informant. It is also alleged that they fired upon his chest as a result of which informant's elder son sustained gun shot injuries.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to previous enmity. No one is eye witness of the alleged



occurrence. Save and except last seen, no material has come during investigation against the petitioner to show his involvement in the present case. It reveals from perusal of injury report, that informant's son has received simple injury. Similarly situated other accused namely Himanshu Kumar has already been enlarged on bail vide order dated 24.2.2023 passed in Cr. Misc. No. 57712 of 2022 by this Court. Petitioner is languishing in judicial custody since 23.06.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ACJM III, Saharsa in connection with Basnahi P.S. Case No. 64 of 2022.

(Sunil Kumar Panwar, J)

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