

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35080 of 2015

Arising Out of PS.Case No. -22 Year- 2014 Thana -SIGORI District- PATNA

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Mukul Giri, son of Sri Bindu Giri

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate

For the Opposite Party/s : Mr. Dr. M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 341/342/323/307/120B of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that when the informant's wife was returning from temple, after offering worship, eight accused persons surrounded her, on alarm being raised, the informant and his uncle came to rescue, co-accused Indal Giri caused fire arm injury to the uncle of the informant and the petitioner caused fire arm injury on the leg of the wife of the informant.

It is submitted by learned counsel for the petitioner that the doctor has opined simple injury caused by hard and blunt substance. A statement to that effect has been made in paragraph 9 of the petition which reads as follows :-

"9. That all alleged section/s is/are bailable save and except section 307 IPC, which is super addition and not attracted in the present case. During treatment doctor found injuries is/are simple in nature, caused by hard and blunt substance."

Learned counsel for the petitioner further submits that there is counter version of the occurrence. Moreover, a statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Danapur in connection with Sigori P.S. Case No.22 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on verification of the nature of injury caused to the wife of the informant. If the learned court below comes to the conclusion that the wife of the informant received simple injury caused by hard and blunt substance then the provisional bail of the petitioner will be confirmed, but if it comes

that the injury caused to the wife of the informed by fire arm, then
the petitioner will surrender and pray for regular bail.

Ashwini/-

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(Dinesh Kumar Singh, J)