

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15447 of 2016

Arising Out of PS.Case No. -529 Year- 2015 Thana -DANAPUR District- PATNA

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Md. Suddam Hussain @ Md. Saddam Hussain, S/o Md. Arshad Hussain
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Jagdhar Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 18-04-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under Section-307 & other minor sections of the Indian Penal Code and Section-27 of the Arms Act.

Petitioner and other FIR named accused along with 70-80 unknown persons came at the house of the informant and it is alleged that the petitioner fired, causing fire-arm injury on the right elbow and right arm of the informant and after that, other co-accused opened fire, causing fire-arm injury on the abdomen of informant's father. The preliminary injury report has been annexed as Annexure-3 to the petition and the aforesaid injury report goes to show that two injuries were found on the arm of the injured Pankaj Kumar Singh but the opinion, regarding the aforesaid injuries, was kept reserved. The prayer for bail of the petitioner was rejected by learned Additional Sessions Judge-Ist, Danapur on

08-03-2016 in B.P. No. 113 of 2016 but it appears from the impugned order that on the date of passing the above-said order, the prosecution could not produce the complete injury report of injured, Pankaj Kumar Singh.

Learned counsel for the petitioner submits that the police submitted charge sheet without collecting the complete injury report of injured, Pankaj Kumar Singh and therefore, it would be presumed that Pankaj Kumar Singh sustained simple injury though said to be caused by fire-arm. It is submitted that the petitioner is in jail custody since 16-09-2015 and prior to institution of the case, he was made accused in three cases and out of them, one case was lodged due to family feud whereas; rest two cases had been registered under minor sections of the Indian Penal Code.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Danapur P.S. Case No. 529 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur.

(Hemant Kumar Srivastava, J)

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