

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4147 of 2019

Arising Out of PS. Case No.-9 Year-2018 Thana- SAHEBPUR KAMAL District- Begusarai

Pawan Rai, Son of Siyaram Rai, Resident of village Raghunathpur, P.S.-
S.Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
04.07.2018 in a case registered for the offences punishable
under Sections 341, 323, 324, 307 and 34 of the I.P.C. and
Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Prakash
Roy, recorded by Rajesh Kumar Yadav, S.I.-cum-S.H.O. of
S.Kamal P.S. is to the effect that on 15.01.2018 at about 10.00
A.M. the informant was going to his house. In the meantime, all
the three accused persons including the petitioner came



variously armed with pistol and resorted to fire upon the informant. The firing resorted by the petitioner hit on the right hand of the informant, whereas the firing resorted by other co-accused persons did not hit the informant. Thereafter, co-accused persons Mannu Rai and Gopi Rai assaulted the informant with the butt of pistol, as a result, the informant got head injury. On alarm being raised, nearby people came, then, all the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of land dispute. It is further submitted that the accusation of causing head injury is against the co-accused persons who assaulted the informant with the butt of pistol. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is involved in one other case in which he is on bail.

Learned APP for the State submits that the accusation of assault is specific against the petitioner.

Considering the fact that the injury has been caused on the hand of the informant and the nature of injury has neither been described in the FIR nor the learned Sessions Judge has discussed the same, let the above named petitioner be released



on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **A.C.J.M. 5th , Begusarai** in connection with **Sahebpur Kamal P.S. Case No.09 of 2018.**

(Dinesh Kumar Singh, J)

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