

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16828 of 2019**

Arising Out of PS. Case No.-119 Year-2017 Thana- GWALPARA District- Madhepura

Santosh Kumar @ Santosh Biswas Son of Sitaram Biswas Resident of Village
- Jairam Parsi, P.S.- Gwalpara (Arar O.P.), District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bam Bahadur Jha

For the Opposite Party/s : Mr.Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 26-03-2019 Learned counsel for the petitioner is permitted to
make necessary correction in the prayer portion of the petition.

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 10.12.2018
in a case registered for the offences punishable under Sections
341, 323, 448, 307 and 302/34 of the IPC and Section 27 of the
Arms Act.

The prosecution case, as per the fardbeyan of the informant
is to the effect that the petitioner resorted to fire causing injury
on the right knee of the brother of the informant, namely, Pulkit
Biswas, whereas co-accused Ram Pukar Biswas resorted to fire



causing injury to the son of the informant, Dharmendra Biswas, who subsequently succumbed to the injuries. It is further alleged that the petitioner and other co-accused persons assaulted with the butt of the gun to the informant and his wife.

It is submitted by learned counsel for the petitioner that the petitioner caused injury on the right knee of the brother of the informant, whereas specific accusation of causing firearm injury to the deceased is alleged against co-accused Ram Pukar Biswas. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that accusation against the petitioner is specific to have caused firearm injury on the right knee of the brother of the informant.

Considering the fact that specific accusation of causing firearm injury to the deceased has not been alleged against the petitioner, investigation has already been concluded and period under custody, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class,



Udakisunganj in connection with Gwalpapa (Arar O.P.) P.S.
Case No. 119 of 2017.

(Dinesh Kumar Singh, J)

Amrendra/-

U			
---	--	--	--

