

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69138 of 2018

Arising Out of PS. Case No.-434 Year-2018 Thana- BUXAR District- Buxar

Diwakar Singh @ Diwakar Yadav, Son of Baban Singh, Resident of Mohalla-
Adarsh Nagar, Ward No.11, Buxar, P.S.- Buxar (Nagar), District- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 24-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 12.09.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 307 and 326 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Bablu Shekh recorded by SI Saroj Kumar, Buxar (Town) Police Station on 15.08.2018 at 1.30 P.M., at Sadar Hospital, Buxar is to the effect that when the informant was returning to home after buying milk from the market, in the meantime, Subham Chaurasia and the petitioner, Diwakar Singh @ Diwakar Yadav along with 10 to 15 unknown persons came and surrounded and started abusing the informant, on protest being made, they assaulted him with lathi and danda. Thereafter, the petitioner



fired from pistol causing injury on the left side of the chest of the informant.

It is submitted by learned counsel for the petitioner that the petitioner is neighbour of the informant and in the background of a land dispute, the accusation has been levelled against the petitioner. The injury report suggests that one injury is of marginal size on the root of the left side of the neck and the second injury is lacerated injury of marginal size on the back of the chest, which suggests that the informant received the injuries in some other incident. It is further submitted that there is specific accusation of making assault by lathi and danda by 18 persons but there is no injury found, caused by hard and blunt substances. In the fardbeyan the specific accusation is against the petitioner that the petitioner caused firearm injury on the chest of the informant but the injury has been found on the root of left side of the neck and on the back of the chest. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that there is specific accusation against the petitioner of assault and firing on the informant.

Considering the accusation being not corroborated by



the medical report, coupled with 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **CJM, Buxar** in connection with **Buxar (Town) P.S. Case No. 434 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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