

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67366 of 2018

Arising Out of PS. Case No.-57 Year-2018 Thana- TANKUPPA District- Gaya

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Suraj Paswan, Son of Bali Paswan, Resident of Village- Badha Bigha, P.S.
Tankuppa, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

Criminal Miscellaneous No. 67328 of 2018

Arising Out of PS. Case No.-57 Year-2018 Thana- TANKUPPA District- Gaya

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Krishna Paswan, Son of chandradeep Paswan, Resident of Village-
Gajadharpur, P.S. Tankuppa, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In Criminal Miscellaneous No. 67366 of 2018)

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Sri Nand Kishore Pd

(In Criminal Miscellaneous No. 67328 of 2018)

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Sri Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehend their arrest in a case
registered for the offences punishable under Sections 341, 324,
326, 307, 504/34 of the Indian Penal Code and Section 27 of the
Arms Act.



The prosecution case as per the written report of Mahendra Paswan submitted to the Station House Officer of Tankuppa Police Station is to the effect that on 08.05.2018 at 8.00 P.M., the informant and his son, Sandeep Paswan were going to their house, in the meantime, four accused persons, including the petitioners, surrounded them and started abusing. In the meantime, co-accused Anuj Paswan fired four rounds on the son of the informant causing injury on the abdomen and the left hand of the son of the informant. Thereafter, petitioner Krishna Paswan caused firearm injury on the abdomen of the son of the informant and petitioner Suraj Paswan resorted to fire on the informant, but it did not hit him, and when the villagers came all the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioners that in the background of earlier enmity, the accusation has been levelled against the petitioners. There is no injury on the abdomen of the son of the informant, though the specific accusation is that the petitioner Krishna Paswan and co-accused Anuj Paswan caused firearm injury on the abdomen of the son of the informant, but there is no such injury found during medical examination. Though, the petitioners are accused in some other cases in which they are on bail.



Learned APP after going through the case diary submits that the son of the informant has received two injuries, both the injuries are of marginal size and a lacerated wound over left hand and the other on thoracic region, but the medical opinion does not depict that it has been caused by firearm, though there is no injury on the abdomen of the son of the informant, as claimed by the informant.

Considering the inconsistency between the accusation and the medical opinion, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -Ist, Gaya in connection with Tankuppa P.S. Case No. 57 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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