

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54272 of 2018

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

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Anuj Paswan, S/o Baleshwar Paswan, R/o Vill.- Bagha Bigha, P.S.- Tankuppa,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Smt. Sahin Begam, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 02-01-2019 Heard learned counsel for the petitioner, informant and
learned APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
341/324/326/307/504/34 of the Indian Penal Code and 27 of the
Arms Act.

The prosecution case got initiated on the basis of written
report dated 08.05.2018 submitted by Mahendra Paswan to the
Station House Officer, Tankuppa Police Station to the effect that
on the same day at about 8.00 P.M., the informant and his son
Sandeep Paswan were going to their house, in the meantime,
four accused persons, including the petitioner, surrounded them
and started abusing. It is alleged against the petitioner that he
resorted to fire four times causing injury on the abdomen and
left hand of the son of the informant, as a result, he fell down



and thereafter co-accused Kirshana Paswan resorted to fire causing injury on the abdomen of the son of the informant. Co-accused Suraj Paswan resorted to fire on the informant, but it did not cause any injury to him.

It is submitted by learned counsel for the petitioner that in the background of earlier enmity, the accusation has been levelled. There is no injury on the abdomen of the son of the informant, though the specific case of the informant is that the petitioner as well as co-accused, Kirshan Paswan and Suraj Paswan caused firearm injury on the abdomen of the son of the informant. 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 after going through the case diary submits that the son of the informant has received two injuries, both the injuries are marginal size and lacerated wound over left hand and the other on thoracic region, but do 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. Similar is the submission of learned counsel for the informant.

Considering the inconsistency between the accusation and the medical opinion, 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 anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st ACJM, Gaya, in connection with Tankuppa P.S. Case No.57/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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