

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.904 of 2020

Arising Out of PS. Case No.-348 Year-2019 Thana- RAHUI District- Nalanda

INDAL BIND, Male, aged about 40 years, Son of Mahendra Bind, Resident of Village - Imli Bigha, P.S.- Rahui (Wena), District- Nalanda (Bihar).

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Raj Kishor Prasad, Advocate.
For the Respondent : Mr.Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsels for the parties.

The matter relates to grant of bail to the appellant in connection with Rahui (Wena) P.S. Case No. 348 of 2019 registered for the offences under Sections 147, 148, 149, 341, 342, 302, 307, 504, 506 of the IPC, 27 of the Arms Act and Sections 3(2)(va) of SC/ST Act.

The prosecution case, in short, is that on 08.09.2019, in the night at about 9.15 P.M., the brothers of the informant, namely, Shashi Kumar Paswan and Pradeep Paswan were ploughing their field, in the meantime, he heard the noise of



firing from the field. Thereafter, the informant and others went there and saw that Azad Bind fired upon Shashi Kumar Paswan which hit him, Bharat Bind fired which hit the legs of Pradeep Paswan, Indal Bind abused and assaulted the brother of the informant with the butt of the gun, Gurudev Bind ordered to kill them. Co-accused Suraj Bind, Pintu Bind, Bhim Bind, Dasharath Bind, Manoj Bind, Munarik Bind abused and fired upon them and there, they fled away.

It has been submitted on behalf of the appellant that the appellant is in custody since 19.09.2019. The appellant has falsely been implicated in the present case. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the appellant. The main allegation of firing upon the deceased is against the co-accused, namely, Azad Bind and Bharat Bind. As far as appellant is concerned, it is alleged that he had used the butt of the gun in course of occurrence. This indicates that the appellant had no intention to commit murder of the victim.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 23.01.2020, passed by learned Ist Additional District



and Sessions Judge-cum-Special Judge, Nalanda at Biharsharif, in connection with Rahui (Wena) P.S. Case No. 348 of 2019, is set aside. The criminal appeal is allowed.

Further, the appellant, above named, is directed to be released on bail on his personal bond to the satisfaction of learned Ist Additional District and Sessions Judge-cum-Special Judge, Nalanda at Biharsharif, in connection with Rahui (Wena) P.S. Case No. 348 of 2019.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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