

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12503 of 2021

Arising Out of PS. Case No.-20 Year-2019 Thana- BIDUPUR District- Vaishali

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Dinesh Rai @ Binesh Ray @ Gabbar Rai Son Of Late Chandradeep Rai
Resident Of Village-Nawanagar, P.S- Bidupur, District-Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-07-2021 Heard the parties.

Earlier, the petitioner has approached this Court in Cr. Misc. No. 81273 of 2019. The application was disposed off on 31.01.2020 with a direction to the Court below to verify the injury report and if it is found that there was no firearm injury caused, the petitioner would be released, otherwise, the Court below may refuse to release the petitioner on bail.

After the order dated 31.01.2020, learned Additional District & Sessions Judge-X, Vaishali at Hajipur in Sessions Trial No. 37 of 2020 started inquiring into the nature of injury and it transpired



during inquiry that the injured, who was initially treated in Primary Health Centre, Bidupur and subsequently in P.M.C.H., in both the places, the doctors evaded submitting definite opinion as to the injury and only after approximately nine months, definite opinion was furnished as to the injury suggesting firearm injury to the injured and that was the reason why the petitioner was not released by the Court below.

Learned counsel appearing on behalf of the petitioner would submit that petitioner was in jail and he has no idea why the doctors of the Primary Health Centre, Bidupur or the P.M.C.H were reluctant in submitting definite injury report when they have treated the injured and X-ray report and other materials were available to form an opinion. Earlier, on the ground of lacerated wound on the person of the injured, co-accused Bhulla @ Shyam Rai was granted bail by the learned Additional Sessions Judge-VI, Vaishali at Hajipur vide order dated 02.07.2019.



It appears that in court proceedings, manipulations are done and on the basis of misleading entries in the case diary and incomplete injury report, accused are favoured with the order granting bail.

Considering the totality of the fact situation, the Court is not inclined to grant bail to the petitioner. The prayer for bail of the petitioner is hereby rejected.

The In-charge, Primary Health Centre, Bidupur and the Superintendent, P.M.C.H. are hereby cautioned that in future they should act with promptitude, otherwise, adverse action will be taken against the doctors primarily responsible for not furnishing the injury report notwithstanding the availability of the X-ray report and other materials to form definite opinion as to the nature of injury.

Let a copy of this order be communicated to the Superintendent, P.M.C.H. and the Civil Surgeon, Vaishali at Hajipur for the needful.

The Court below is directed to expedite the trial



and ensure conclusion of the trial at the earliest, preferably within a period of six months from the date of receipt/production of a copy of this order, failing which, the petitioner may renew his prayer for bail.

With the aforesaid observation/direction, the application stands disposed off.

(Anil Kumar Upadhyay, J)

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