

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27288 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- PHULWARISHARIF District- Patna

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GULSHAN KUMAR @ GULSHAN CHOUDHARI son of Ramesh Choudhari @ Binod Choudhari @ Vinod Chaudhary, R/o- Kanhaiya Nagar, P.S. Phulwari Sharif, Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 04-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Phulwari Sharif P.S. Case No. 60 of 2020 registered for the offences punishable under Sections 341/323/324/307/379/34 of the Indian Penal Code.

In this case, Mr. Gajadhar Paswan (A.S.I.), the then Investigation Officer, has misplaced the injury report which is a serious lapse on his part.

The Senior Superintendent of Police, Patna is directed



to examine the matter and get the duplicate copy of the injury report, if possible.

Mr. Gajadhar Paswan (A.S.I.), the then Investigation Officer of this case is warned to be more vigilant in future.

The personal appearance of the S.H.O., Phulwari Sharif, Patna, is dispensed with.

Due to non-availability of the injury report and considering the facts and circumstances of the case, the present anticipatory **bail application is allowed provisionally**.

Accordingly, it is directed that the petitioner above named be released on bail **provisionally**, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge IX, Patna, in connection with Phulwari Sharif P.S. Case No. 60 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

In case, the injury report is traced/reconstructed by the police, the same shall be produced before the Court below and, thereafter, the Court below will take a decision whether to confirm the interim anticipatory bail granted to the petitioner or to reject the anticipatory bail granted to the petitioner. The Court



below shall be guided by the nature of injury. If the nature of the injury is grievous, the petitioner is taken into custody and if the nature of injury is simple, the anticipatory bail granted to the petitioner shall be confirmed.

With the aforesaid observation and direction, this application for grant of anticipatory bail is disposed of.

Let a copy of the order be communicated to the Senior Superintendent of Police, Patna, through FAX and e-mail forthwith.

(Sandeep Kumar, J)

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