

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39367 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- JAGDISHPUR District- Bhojpur

MANU KUSHWAHA Son of Janardan Kushwaha Resident of Village -
Bairahi, P.S.- Ayar, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rina Sinha

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Jagdishpur Police Station Case No. 72 of 2021, registered for the offences punishable under Sections 147/148/149/323/307/504/506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information Report, is that the petitioner has allegedly fired upon the son of the informant, causing injury in his chest.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to dispute which arose between the parties during the marriage ceremony. She next submits that during course of investigation, no material



has come that the victim has sustained fire arm injury and the prosecution has not been able to produce the injury report of the victim. She further submits that the petitioner is in custody since 22.02.2021, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

On the other hand, learned Additional Public Prosecutor, referring to the case diary, submits that the victim was examined in the PMCH, Patna, and injury, in the nature of 1 cm x 0.5 cm was found near his chest. However, the final opinion of the doctor regarding nature of injury is not available in the case diary.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the prosecution has not brought any injury report showing the injury caused by fire arm, the injury mentioned in the case diary of 1 cm x 0.5 cm appears to be minor in nature, charge sheet has already been submitted and the petitioner is in custody since 22.02.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Jagdishpur Police Station Case No. 72 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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