

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44858 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- DANDARI District- Begusarai

GUDDU KUMAR PASWAN @ GUDDU PASWAN Son of Lalcho Paswan
Resident of Village - Rajopur, P.S.- Dandari, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate
		Mr. Binod Kumar, Advocate
For the Opposite Party/s	:	Mr. Randhir Kumar No.1, Advocate
For the State	:	Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 29.01.2021, seeks
regular bail in connection with Dandari P.S. Case No. 13 of
2021 registered for offences punishable under Sections 341,
323, 307/34 of the Indian Penal Code and Section 27 of the
Arms Act.

Prosecution case, in brief, is that petitioner along with
other co-accused persons had assaulted the informant with
country-made pistol which hit the left chest and left hand of the
victim. The victim was examined by the doctor at private
hospital.



Learned counsel appearing on behalf of the petitioner submits that from the perusal of the injury report it appears that the doctor has given his opinion that the injury is serious in nature however, he has not given any detail regarding the cause of injury. In absence of any specific information this Court asked the learned counsel appearing on behalf of the informant to get the injury report examined by the doctor at the High Court dispensary. It has been informed that the doctor has given his opinion that it is not clear from the injury report as to whether the injury has been caused by the fire arm or not.

Learned counsel appearing on behalf of the petitioner submits that the injury report is vague. There are two injuries and the allegation made in the F.I.R. against four persons. There is no specific allegation of assault has been made against the petitioner. Petitioner is in custody since 29.01.2021 and has clean antecedent.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that doctor has opined injury is serious in nature however, he should have technically mentioned it as grievous injury.

Considering the facts and circumstances of the case, there is no specific allegation of assault attributed to the



petitioner. The injury report itself is not very clear, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.,-V, Begusarai in connection with Dandari P.S. Case No. 13 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

