

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48641 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- DAGARUA District- Purnia

Khawaja Nasim Anjar, S/o Late Khawaja Abubakar Resident of Village -
Singhiya Thathol, P.S. - Dagarua, Distt. - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhanshu Saran, Advocate

For the Opposite Party/s : Md. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 11-04-2022 The applicant is given out of turn hearing because of illness of his family members. This fact is not disputed by the other side.

The applicant/accused in Crime No. 102 of 2021 registered with Dagarua Police Station for the offences punishable under Sections 341, 323, 324 and 307 r/w 34 of the Indian Penal Code as well as Section 27 of the Arms Act, by this application is seeking his release on bail during pendency of the trial and after filing of the charge sheet.

The learned counsel for the applicant submits that the charge sheet has been filed and the applicant is undergoing pretrial detention.

The learned Additional Public Prosecutor opposed the application by contending that the applicant had admitted



to cause injury to two victims named Md. Rijwan (first informant) as well as Khowaja Salim.

I also heard the learned counsel for the first informant.

I have considered the submissions so advanced and also perused the materials placed on record including the injury certificate of both victims of the subject crime.

Though, it is averred that bullets were fired at them, injuries suffered by them seem to be simple in nature. It is apparent that the applicant has used toy-gun for causing injuries to the victims of the subject crime.

For making out the offence punishable under Section 307 of the Indian Penal Code, what is relevant is intention and the intention can be gathered from the weapons used. On conclusion of the investigation, I see no reason to refuse bail to the application. Hence, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 102 of 2021 registered with Dagarua Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -



(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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