

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47827 of 2022

Arising Out of PS. Case No.-6 Year-2021 Thana- DUMARIYA District- Gaya

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Kaushal Saw @ Kaushalendra Kumar, S/o Kamlesh Saw, R/o Village-
Basdiha, P.S.- Dumariya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 16-12-2022 The applicant is accused in Crime No. 6 of 2021 registered with Dumariya Police Station for the offence punishable under Sections 307, 379, 341, 323, 324 and 504 r/w Section 34 of the Indian Penal Code, by this application is seeking the release on bail during pendency of the trial. The application is moved after filing of the charge-sheet.

Heard both sides.

The learned Additional Public Prosecutor oppose the application by contending that the applicant has caused injury to Lalu Saw on head by means of ‘tangi’ and as such, he is not entitle for bail.

I have considered the submissions so advanced and also perused the materials placed before me.

It is averred by first informant Lalu Saw that on



05.01.2011, the applicant and other co-accused persons have assaulted his father Keshwar Saw, uncle Mohan Saw as well as himself by means of sticks, iron rods and tangi. Injury certificate of Keshwar Saw shows that he had suffered simple injury. Injury certificate of Mohan Saw also shows that his injuries are simple in the form of simple abrasion on the left forehead and bleeding from left ear. The medical officer has not ascribed those injuries as grievous wounds. So far as applicant Lalu Saw is concerned, he had suffered deep lacerated wound on his forehead and after C.T. Scan, it was found that no definite evidence of fracture injury is seen.

The injured are already stated to be discharged from the hospital since long. The investigation of the subject crime is over. Hence, further pretrial detention of the applicant is not warranted. Therefore, the order:

- i. The application is allowed.
- ii. The applicant in Crime No.6 of 2021 registered with Dumariya Police Station for the offence punishable under Sections 307, 379, 341, 323, 324 and 504/34 of the I.P.C. 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 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 should cooperate the Trial Court in expeditious disposal of the trial against him.

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

(IV) The applicant should not tamper prosecution evidence in any manner.

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

(A. M. Badar, J)

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