

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59332 of 2021

Arising Out of PS. Case No.-75 Year-2020 Thana- BANMANKHI District- Purnia

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Dhiraj Kumar @ Dhiraj Kumar Paswan Son of Shyam Dev Paswan Resident
of Village - Madhuban Brindawan, P.S.- Jankinagar, Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate.

For the Opposite Party/s : Mr. Narsingh Tanti, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-05-2022 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 Mr. Ram Prawesh Kumar, learned counsel for
the petitioner and Mr. Narshing Tanti, learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Banmankhi P. S. Case No. 75 of 2020
registered for the offences punishable under Sections 324 and
307 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on
10.03.2020, while the informant was coming from market, he
found that some boys were quarrelling with each other and



whereupon, the informant went there to see the quarrel, in the meantime, this petitioner fired from a country-made pistol causing injury on the leg of the informant due to which he fell down and later on, referred to the hospital for proper treatment.

Learned counsel appearing on behalf of the petitioner submitted that even from the tenor of the F.I.R., it appears that there was no intention or any premeditated plan to cause any injury to the informant. It is further submitted that just before the present occurrence the informant, who is a habitual drinker, tried to outrage the modesty of the mother of the petitioner and for the said occurrence a complaint case was filed by the mother of the petitioner bearing complaint case no. 14 of 2020 before the Special Judge, SC/ST Purnia and only with the a view to save his skin the present F.I.R. has been instituted by implicating the name of the petitioner. It is next submitted that the injury has not been caused on vital part and even if the allegation taken at their face value, the same was not intentional. It is lastly submitted that during the pendency of this application, both the parties have compromised the dispute and filed a compromise petition before the learned court below, as the informant does not want to pursue the matter.

On the other hand, learned APP for the State vehemently



opposes the bail application and submits that there is specific allegation of firing against this petitioner causing grievous injury to the informant.

Having considered the submissions made on behalf of the parties and taking into account the fact that from tenor of the F.I.R., it does not appear to be an intentional assault and further the injury sustained by the informant is received on non-vital part and this petitioner having no criminal antecedent, is in custody since 09.08.2021; apart from the fact the petitioner and the informant have filed a joint petition before the court below, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Class, Purnia in connection with Banmankhi P. S. Case No. 75 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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