

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62180 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- AAJAM NAGAR District- Katihar

PAPPU DAS @ MITHUN DAS @ PAPPU Son of Gopal Das @ Chamru Das
Resident of Village - Hajinagar, P.S. Azamnagar (Salmari O.P), District-
Katihar. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Petitioner, who is in custody since 02.05.2021, seeks
regular bail in connection with Azamnagar (Salmari O.P.) P.S.
Case No. 96 of 2021 registered for offences punishable under
Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and
Sections 25(1-b), 26, 27, 35 of the Arms Act.

Prosecution case, in brief, is that the petitioner had
assaulted the wife of the informant as well as his family members
by means of pistol. It is specific case of the informant that the
bullet hit his wife's leg.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is a young boy and due to some altercation
which took place during *Grih Pravesh* of one Mithilesh Mandal
present incidence occurred. From the perusal of Annexure- 3/1, it
appears that injury is grievous in nature, but the doctor has opined



that there is no evidence of bullet burn or pellet in the tissue of the right limb at the injury sight. He submits that the petitioner has a bright academic career and he has clean antecedent.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case as well as having perused the allegation made in the F.I.R. and the injury report annexed at Annexure-3/1 to the bail application it appears that the injury is grievous in nature found at the right limb of the wife of the informant but in absence of any bullet/pellet and burnt tissue at the sight of injury, the allegation of assault to have been committed by the petitioner by bullet prima facie does not appear to be very convincing. Petitioner is a student and he has to take his B.A. final year examination and in this regard he has also brought on record along with mentioning slip, online admit card issued to the petitioner. Schedule of examination is fixed from 26.02.2022 to 07.03.2022. Petitioner has clean antecedent. Prima facie it appears that petitioner has made out a case to be released on bail. The Court below is directed to enlarge the petitioner above named on bail after verifying as to whether the admit card issued to the petitioner is not a forged one and 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



Session's Judge, Katihar in connection with Azamnagar (Salmari O.P.) P.S. Case No. 96 of 2021 if it is found that the admit card of the petitioner is forged and fabricated the above order will automatically loose it force. The other conditions are as follows:

(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) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after his release on bail the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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