

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31029 of 2023**

Arising Out of PS. Case No.-105 Year-2022 Thana- DANDARI District- Begusarai

Sujit Paswan @ Sujit Kumar Son Of Rajaram Paswan Resident Of Village-
Rajopur Ward No. 3, Ps- Dandari, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s: Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 11-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Dandari P.S. Case No.105 of 2022 registered for the offence
under Sections 307 and 326 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 31.01.2023.

4. The allegation against the petitioner is to open fire
upon informant causing bullet injury on his right eye, where



informant claims to lost his right eye vision.

5. Learned counsel appearing on behalf of the petitioner submitted that the occurrence arises out of previous enmities, where petitioner has been falsely implicated in the present case. It is also submitted that the allegation of firing was single without having any intervening circumstance and as such it can be safely said that petitioner was not under intention to cause death. It is also submitted that nature of injury is grievous but injury report is not suggesting that informant/injured lost his eye-sight as alleged through the present F.I.R. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as injury report is not suggesting that petitioner lost his eye-sight as alleged, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 31.01.2023, accordingly, petitioner, above named, is directed to be released on bail in



connection with Dandari P.S. Case No.105 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.



(iii) That one of the bailors
shall be deponent of the present bail
petition.

(Chandra Shekhar Jha, J)

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