

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16796 of 2023

Arising Out of PS. Case No.-212 Year-2021 Thana- NOORSARAI District- Nalanda

ANURAG KUMAR S/o Ram Lagan Paswan R/o Village- Pawapatti, P.S.-
Noorsarai, Distt- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bilas Paswan S/o Sri Jairam Paswan R/o Village- Pawapatti, P.S.- Noorsarai,
Distt- Nalanda.
3. Subhash Paswan @ Suvesh Paswan S/o Sri Jairam Paswan R/o Village-
Pawapatti, P.S.- Noorsarai, Distt- Nalanda.
4. Dharmvir Paswan S/o Sri Jairam Paswan R/o Village- Pawapatti, P.S.-
Noorsarai, Distt- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 02-02-2024 Heard learned counsel for the parties.

2. The present application is being filed on behalf of the petitioner-informant for cancellation of bail against the order dated 01.08.2022 passed by this Bench in Cr. Misc. No. 59965 of 2021 whereby and whereunder the Hon'ble Court after hearing the matter pleased to enlarge the opposite parties no. 2 to 4 on anticipatory bail in connection with Noorsarai P.S. Case No. 212 of 2021 for the offence registered under Sections 341, 447, 323, 324, 307/34 of the IPC and Section 27 of the Arms Act.



3. It is a case of cancellation of bail and as per prosecution case, the opposite parties no. 2, 3 and 4 armed with pistol and came to the informant's house and firing due to which informant's brother received injury on his abdomen.

4. It is submitted by learned counsel for the petitioner-informant that the informant brother namely, Chandrasen Paswan have received pellet injury of his abdomen and just after the occurrence, he admitted to NMCH, Patna and the doctor after first aid referred to PMCH, Patna where doctor operated abdomen of his brother.

5. A counter affidavit has been filed on behalf of the opposite party nos. 2 to 4 and submitted that the statement made in para-8 of this petition is contrary to law as it is the duty of the prosecution to collect all the relevant materials during investigation and it is not the duty of Hon'ble Court to call for documents in Court while hearing any bail application. Similarly, the fact of the petitioner intends to call for a report of PMCH only and not from first treating hospital also goes to show that some manufactured documents have been created and as the investigation agencies rightly did not find it fit, the petitioner intends to bring the same on record with the aid of this Hon'ble Court via vexatious application. He further



submitted that similarly the settled ground for seeking cancellation of bail, i.e., (i) interference in administration of justice (ii) evasion from course of justice or (iii) abuse of liberty, are not at present in the present case nor it has been pleaded by the petitioner, and only the fact that injury report has not been collected by investigating agency and not been produced has been assailed as a ground.

6. Having heard the learned counsel for the parties and considering the facts and circumstances of the case, this court is not inclined to allow this application, as such, the prayer of cancellation of bail to the opposite party nos. 2 to 4 stand rejected.

7. Accordingly, the application stands disposed of.

(Sunil Kumar Panwar, J)

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