

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57044 of 2024

Arising Out of PS. Case No.-190 Year-2023 Thana- BEERPUR District- Begusarai

Sanjay Paswan @ Sanjay Kumar Son of Kailash Paswan Resident of Village -
Bachhawara, Ward No. 12, Police Station - Bachhawara, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-09-2024 Heard Mr. Bipin Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Birpur P.S. Case No. 190 of 2023 for the offence punishable
under sections 324, 307 of the Indian Penal Code and 27 of the
Arms Act lodged on 18.10.2023 by the informant, Bandana
Kumari.

3. As per the prosecution story, the informant alleged
that while she was standing at the door of her uncle talking to
the family members, suddenly, a shot was fired hitting her arm.
She fell down and was taken to Sadar Hospital, Begusarai for
treatment. Later, she was shifted to the clinic of the private
doctor and fracture was detected which has been found to be
grievous in nature. Accordingly, the FIR.



4. Subsequently, the name of the petitioner who is cousin brother-in-law came in course of investigation whereafter, he has been taken into custody on 19.06.2024 (para 15 of the petition).

5. Learned counsel for the petitioner submits that the lady being the sister-in-law, he has not done any such incident, he was one of the family member who took her to the hospital but only to implicate, the police has made allegation against him. Further, as the lady is his cousin sister-in-law, without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 50,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant, Bandana Kumari after checking the credentials.

6. Learned APP opposes the prayer for bail submitting that the shot fired at caused severe injury to the lady.

7. The allegation is there, the lady has not attributed any allegation against the petitioner though during investigation, his name has come up, he has remained in custody since



19.06.2024 and do not have criminal antecedent. FIR lodged, he will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 50,000/- to Bandana Kumari as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai in connection with Birpur P.S. Case No. 190 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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