

**In the Court of Additional District & Sessions Judge-X,
Vaishali at Hajipur.**

Sessions Trial No.- 37/2020

Arising out of Bidupur P.S. Case No.- 20/2019

U/S – 341, 323, 307, 504 and 506 of I.P.C.

The State of Bihar ***Versus*** Gabbar Rai & Others
Counsel for the petitioner - Sri Shyambabu Rai, Adv.
Counsel for the State - Sri Ramesh Kumar, A.P.P.

ORDER

27.08.2020

A petition filed on behalf of accused Gabbar Rai@ Vilesh Rai on 07.07.2020 for acceptance of bail bond pressed today.

From the perusal of the case record it transpires that Hon'ble High Court, Patna has passed order vide Cr. Misc. No.- 81273 of 2019, dated 31.01.2020. The Hon'ble High Court has observed that considering the facts the court is inclined to grant bail to the petitioner Dinesh Rai@ Vilesh Rai@ Gabbar Rai. Let the petitioner above named be enlarged on bail on furnishing bail bond of rupees 25,000/- with two surities of the like amount each to the satisfaction of C.J.M., Hajipur Vaishali in connection with Bidupur P.S. Case No.- 20 of 2019, subject to condition that the court below shall verify the record on the point of injury and if it is found that there was no fire arm injury caused by the petitioner, the petitioner shall be released, otherwise, the court below may refused to release the petitioner on bail.

On verification of the record it transpires that injury report of Rakesh Kumar, 38 Years /M, S/O- Kedar Nath Sah has been sent by P.M.C.H. vide Memo No.- 7183, dated 09.07.2020 to the Officer in-charge Bidupur which has been received to this court on 10.07.2020. The injury report of Rakesh Kumar is as follows:-

Examined a pt. Rakesh Kumar, 38 Years/M, S/O- Kedar Nath Sah, Nawanagar, P.S. - Bidupur, Vaishali in P.M.C.H Emergency vide reg. No.- ERS 33 dated 09.01.2019. Pt. Was previously treated at P.H.C. Bidupur vide reg. No.- 254 dated 09.01.2019. M.I.- Scar on forehead.

All information are as per BHI & PRS. Radiological opinion- X-Ray left knee AP & Lat. Plate no.- 110, reported by Dr. Anshu Priya, Department of Radiology, P.M.C.H., Patna. Reprot as given by radiologist- There is evidence of fracture on left patela in lateral view film. On lateral view film, there is a long cylindrical shaped metallic foreign body overlapping the femoral contyle. Opinion regarding nature and cause of injury should be obtained from P.H.C. Bidupur where patient was examined first. The I.O. Jai Kumar Singh has written to Superintendent P.M.C.H., Patna on 25.03.2019 & on 24.06.2019 for issuance of injury report of Rakesh Kumar who has suffered injury due to fire arm. But there is no injury report on record from first attending doctor who has attended injured Kedar Nath Sah and Rakesh Kumar at P.H.C., Bidupur vide reg. No.- 253 dated 09.01.2019 and reg. No.- 254 dated 09.01.2019.

The injury report of Kedar Nath Sah issued by P.M.C.H., Patna reveals that the patient Kedar Nath Sah, 66 Years/M, S/O- Late Munshi Lal Sah, Nawanagar, P.S.- Bidupur, Vaishali was admitted in ED, P.M.C.H vide reg. No.- EO/119. The patient was primarily managed at P.H.C., Bidupur vide reg. No.- 253, dated 09.01.2019.

Mark of Identification- a cut mark over left eyebrow. X-Ray Plate No.- 111. No. of plate -1. Findings- fracture distal femer left. Radio opaque foreign body in left thigh. Opinion and details may be taken from first attending doctor in P.H.C., Bidupur.

In both the injury reports doctors from P.M.C.H., Patna has observed that opnion regarding nature and cause of injury and details thereof should be obtained from first attending doctor from P.H.C. Bidupur. Although, the investigating officer has written in his requisition to P.M.C.H., Patna dated 25.03.2019 & 24.06.2019 that injured Rakesh Kumar was injured due to bullet but there is no injury report from the first attending doctor from P.H.C. Bidupur.

Office is directed to call for injury report of Kedar Nath Sah and injury report of Rakesh Kumar who were primarily managed at P.H.C. Bidupur vide reg. No.- 253 dated 09.01.2019 and reg. No.- 254, dated 09.01.2019 respectively, by wirting a letter to the Civil Surgeon Hajipur, Vaishali.

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27.08.2020

Put up on **10.09.2020** for framing of charges. Rest of the accused persons are directed to appear before the court physically.

Dictated

**Additional District & Sessions Judge-X
Vaishali at Hajipur**

