

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43173 of 2015

Arising Out of PS.Case No. -194 Year- 2015 Thana -AMARPUR District- BANKA

RUPESH PASWAN, Son of Shankar Paswan, resident of Village
Goregama, P.S. Amarpur, District Banka.

.... Petitioner/s

Versus

THE STATE OF BIHAR

.... Opposite Party/s

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

4 21-12-2015 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner prays for anticipatory bail in a case registered under Sections 341, 323, 307, 325, 379, 354B, 385, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the real cause of the dispute was the construction of the passage of Indira Awas Yojna by the informant's side on the road, which is the passage of the road with respect to which the petitioner has given information to the police 20 days prior to the incident, i.e., 06.06.2015 and when the informant's side persisted then the petitioner simply in exercise of his right of self-defence has acted in the matter, for which a case and counter case has been filed by both the sides. It is also submitted by him that there was no attempt to cause death and the offence under Section 307 I.P.C. is

totally unbelievable, as there was no repeated blow on the head. It is stated that the petitioner has got no criminal antecedent. Learned counsel for the petitioner further submits that as per the injury report, the injury found on the head of the informant appears to be simple in nature, although the X-Ray report and C.T. Scan report have been called for but the same have not been sent despite the order of this Court.

In the facts and circumstances of the case, it is directed that the petitioner, Rupesh Paswan, in the event of his arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each in connection with Amarpur P.S. Case No. 194 of 2015 to the satisfaction of the Chief Judicial Magistrate, Banka subject to the other conditions as laid down under Section 438 (2) of the Cr.P.C.

V.P.Sinha/-

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(Ramesh Kumar Datta, J)