

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59237 of 2017

Arising Out of PS.Case No. -93 Year- 2016 Thana -CHANAN District- LAKHISARAI

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1. Pawan Paswan S/o Late Jageshwar Paswan Resident of village- Gulni
Dadhisir, P.S.- Chanan, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Chanan P.S.Case No. 93 of 2016 registered under Sections
147, 149, 341, 323, 324, 325, 379 and 307 of the Indian Penal
Code.

It is submitted by the learned counsel for the
petitioner that no offence as alleged in the FIR took place. The
alleged injuries caused to the informant on his head were found
simple in nature. In view of the nature of injuries and ongoing
dispute between the parties, the ingredients of the offence
punishable under Section 307 of the Indian Penal Code would not
be attracted against the petitioner.



Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner. He submitted that save and except the statement made on affidavit by the petitioner, there is no other material to suggest that the injuries sustained by the injured informant were found simple in nature.

Considering the submissions made on behalf of the parties, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on provisional bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Chanan P.S.Case No. 93 of 2016 and the court below is directed to summon the injury report of the informant and in case the injuries are found simple, the provisional bail granted to the petitioner shall be confirmed and in case the injuries are found to be grievous in nature, the provisional bail granted to him shall be deemed to be cancelled.

(Ashwani Kumar Singh, J)

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