

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58100 of 2018

Arising Out of PS.Case No. -79 Year- 2018 Thana -SHAHKUND District- BHAGALPUR

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Janardhan Paswan @ Janardan Paswan, Son of Anandi Paswan, Resident
of Village- Bhattachak, Police Station- Shahkund, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate.

For the Opposite Party : Mr. Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 323, 324, 325, 307 and
504/34 of the IPC.

The prosecution story, in brief, is that on 08.04.2018
at 7.00 A.M. neighbour of the informant, namely, Janardan
Paswan (petitioner), Masudan Paswan, Gore Lal Paswan, Anandi
Paswan alongwith their wives were constructing wall capturing
village road and when they were objected by the informant they
started to abuse him and on objection, Janardan Paswan
(petitioner) assaulted him with iron rod which injured his head and
Ashok Singh came running there to save him thereupon Masudan



Singh, Gore Lal Singh started to assault him (Ashok) with fists and when he tried to pacify and save Ashok Singh the wives of the accused persons also started to assault him by throwing bricks and stones and they received several injuries and the accused persons themselves set their houses on fire and threatened to implicate them in a false case.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is case and counter case between the parties. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned S.D.J.M. Bhagalpur, in connection with Shahkund P.S. Case No. 79 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

