

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37522 of 2019**

Arising Out of PS. Case No.-43 Year-2018 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Niras Paswan S/O Suresh Paswan R/o Vill.- Samsa, P.S.- Naokothi, Dist.-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Advocate
For the Informant	:	Mr. Pankaj Kumar, Advocate
For the Opposite Party/s	:	Mr.Anuj Kumar Shrivastava, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 04-07-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner has filed this application for bail in
connection with Naokothi P.S. Case No. 43 of 2018 registered
for the offence punishable under sections
341,323,307,385,504,506 and 34 of the Indian Penal Code .

As per the allegation in the FIR, it is alleged that on
the date of occurrence while the informant was standing on the
road, the father of the petitioner pulled him by catching his
waist. The petitioner armed with pistol asked as to why the case
has been lodged against him and threatened either to withdraw
the case or fulfill the demand of Rs. 50000/-. Thereafter, it is
alleged that the petitioner started to give repeated blows with the



butt of his pistol. On hulla being raised, other persons reached there and the accused persons fled away.

It is submitted by learned counsel for the petitioner that the allegations as made in the FIR are false and incorrect for the reason that the parties are on litigating terms. There was no reason as to why the pistol was not used and the allegation is only of assault with the butt of the pistol. Further from the injury report brought on record as Annexure 3 to the application, it is submitted that the injuries have been found to be simple in nature.

Counsel for the informant opposed the application for bail submitting that there is a specific and direct allegation of assault against the petitioner and the injury report also supports the allegation as made in the FIR. The application for bail is also opposed by learned APP for the State.

Having heard learned counsel for the parties, taking into consideration the pending cases between the parties as also that the injury on the informant have been found to be simple in nature and that the petitioner is in custody since 24.03.2019, the petitioner named above is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the



learned Judicial Magistrate 1st Class, Begusarai in Naokothi P.S.
Case No. 43 of 2018 subject to the condition that one of the
bailors shall be a close relative of the petitioner.

(Partha Sarthy, J)

Prakash/-

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