

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15393 of 2020

Arising Out of PS. Case No.-461 Year-2019 Thana- HARNAUT District- Nalanda

Chhote Paswan, aged about 28 years, Male, S/o Ramsharan Paswan, Resident of Village- Srichandpur, P.S.- Harnaut, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Sharma

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

23 14-09-2020

Heard learned counsel for the petitioner and Mr. Abhay Kumar Roy, learned Additional P.P. through video conferencing.

The petitioner apprehends his arrest in Harnaut P.S. Case No.461 of 2019, registered under Sections 341, 323, 324, 307, 354(B), 379 and 34 of the Indian Penal Code.

The informant alleged that while he was sitting in the house of his uncle, all the accused persons including the petitioner having armed with different weapons came. Bhola Paswan assaulted him by means of farsa on his head and the informant sustained rupture injury over his head. When the brother of the informant came to save him, the petitioner assaulted the brother of the informant with iron rod on his head. The brother of the informant fell down after receiving severe injury in his head. The mother of the informant also came to save him but Gorelal Paswan put her down on the ground after catching her hair and Anju Paswan snatched her golden ear-ring.



Learned counsel for the petitioner submits that there is case and counter case. Harnaut P.S. Case No.462 of 2019 was lodged from the side of the petitioner. The injury found on the brother of the informant, said to have been caused by the petitioner with iron rod on his head, is simple in nature. The same fact is also mentioned in the order of the learned Sessions Judge but the learned Sessions Judge rejected the petition of anticipatory bail of the petitioner on the ground that the injury is found on the head.

Taking into consideration the facts that there is case and counter case and the injury found on the head of brother of the informant is simple in nature, petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, 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 C.J.M., Nalanda in connection with Harnaut P.S. Case No.461 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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