

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17275 of 2020**

Arising Out of PS. Case No.-497 Year-2018 Thana- DIGHA District- Patna

VIKRAMADITYA PASWAN Son of Pyare Paswan Resident of Mohalla-
West Digha, P.S.-Digha Patna, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 01-09-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Digha P.S. Case No. 497 of 2018 registered for the offences punishable under Sections 341, 323, 354, 379, 504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from the First Information Report it would appear that as per allegations the petitioner along with four co-accused started abusing and assaulting the informant near Makhdumpur Gate no. 88. It is alleged that this petitioner gave a blow on the head of the informant by an iron rod and rest other started assaulting by brick and stone which caused injury on her head. In this process this petitioner torn her blouse and teased her.

Learned counsel submits that it is a case of false



implication as it would appear that there are materials which have come in course of investigation that the petitioner and the informant are own *gotiyas*. This petitioner has no legal heir, therefore he and his wife had adopted a girl child because of which the informant are likely to get deprived of the properties of the petitioner therefore she keeps on pressurizing the petitioner and his wife and this case is nothing but result of the said animosity. Wife of this petitioner has earlier lodged three cases against the informant.

It is further submitted that although the occurrence is said to have taken place on 29.09.2018, the investigation reveals that the informant went to Patna Medical College and Hospital as an outdoor patient vide registration dated 01.10.2018. It shows no injury and the only thing recorded is dressing in COT referring to a head injury due to physical assault.

Learned counsel, thus, submits that two days after the alleged occurrence the informant herself went to the P.M.C.H., the fact that she was not referred to the Family Health Centre by police and there is no injury report of the Family Health Centre and further the injury report of the PMCH as an outdoor patient is not showing the nature of the injury, the petitioner deserves privilege of anticipatory bail.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, the submissions on behalf of the petitioner



which have been noticed hereinabove by this Court, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Digha P.S. Case No. 497 of 2018 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application is partly allowed..

(Rajeev Ranjan Prasad, J)

avin/-sushma

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

