

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69908 of 2019**

Arising Out of PS. Case No.-236 Year-2019 Thana- ARA MUFFSIL District- Bhojpur

Ladu Paswan @ Sandeep, Son of Late Vishwanath Yadav Resident of Village-
Bhel Dumra, Police station- Ara Muffasil, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv.
For the State	:	Mr. Rampriya Saran Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

4 09-07-2020 Heard learned counsel appearing for petitioner as well as learned Additional Public Prosecutor In-charge, Sri. Rampriya Saran Singh appearing for the State through video conferencing.

In the light of order dated 1.07.2020, second supplementary petition has been filed on behalf of petitioner mentioning therein that father's name of petitioner be read as Late Vishwanath Yadav *alias* Late Vishwanath Paswan accordingly, in main petition the father's name of petitioner be read as Late Vishwanath Yadav *alias* Late Vishwanath Paswan.

Petitioner apprehends his arrest in connection with Ara Muffasil P.S. Case No. 236 of 2019 for the offences punishable under Sections 341, 323, 324, 308, 379 and 504/34 of the Indian Penal Code.

The specific allegation against the petitioner is that he



gave iron rod blow to informant causing injury on his head. The injury report available on the Case Diary goes to show that one lacerated wound, measuring 1 ½" x 1/2" x 1/6" on the left side of head of informant was found and pain was also found on left ankle. The doctor examined the informant on 20.08.2019 and opined that injury No. 2 of informant was superficial in nature whereas he kept his opinion reserved in respect of injury No. 1.

Learned counsel appearing for petitioner submits that there is case and counter case between the parties and, as a matter of fact, on the alleged date of occurrence the prosecution party assaulted the brother of the petitioner and when petitioner and others went to save him, they were also assaulted by the prosecution party for which SC/ST P.S. Case No. 31 of 2019 was lodged against the prosecution party for the offences punishable under Sections 341, 323, 506, 504, 307/34 of the Indian Penal Code as well as under various sections of SC/ST Prevention of Atrocities Act, 1989, on the same day of the alleged occurrence but, after four days of the alleged occurrence, the prosecution party lodged the present case.

Learned counsel for the petitioner further submits that, admittedly, the informant was examined on 20.08.2019 but, up till now no X-ray report nor X-ray plate was produced before the concerned doctor for giving his opinion regarding the nature of injury No. 2 of the informant. He further submits that almost all the Sections are bailable except



Sections 324, 308 and 379 of the Indian Penal Code but, as a matter of fact, the aforesaid Sections have been inserted with a view to make the offence graver.

Although, learned Additional Public Prosecutor opposed the prayer but, considering the aforesaid facts and circumstances as well as submissions of the parties let the petitioner, in the event of his arrest/surrender within six weeks from the date of receipt of this order to the Court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 236 of 2019 subject to conditions as laid down under Section 438 (2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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