

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36647 of 2020

Arising Out of PS Case No.-39 Year-2020 Thana- GANDHI MAIDAN District- Patna

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Munna Paswan, aged about 28 years, Male, Son of Dev Sharan Paswan,
Resident of Salimpur Ahra, P.S.- Gandhi Maidan, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the State : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Surendra Kishore Thakur, learned counsel for the petitioner and Mr. Amitesh Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Gandhi Maidan PS Case No. 39 of 2020 dated 03.02.2020, instituted under Sections 323/448/337/504/509/307/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he along with others had assaulted the informant, his mother and wife and specifically against the petitioner is that he had assaulted the mother of the informant on the head with iron rod.



5. Learned counsel for the petitioner submitted that the parties are next door neighbours and there was dispute with regard to flow of water which led to a mild skirmish, but no such incident of the petitioner hitting the mother of the informant on the head by iron rod occurred. In support thereof, learned counsel submitted that in the FIR it has been stated that the mother of the informant was aged 70 years and if it is believed that she was hit by iron rod on the head it was bound to cause major damage, but from scanning of the brain no haemorrhage or contusion or fracture has been seen. It was further submitted that in the order of the learned Sessions Judge, Patna dated 15.06.2020 in ABP No. 2086 of 2020, by which prayer for anticipatory bail of the petitioner was rejected, it has been noticed that the injury report discloses that the same was simple in nature. Learned counsel submitted that the petitioner is a young person and has no criminal antecedent.

6. Learned APP submitted that the conduct of the petitioner of assaulting a 70 years old woman itself was enough not to grant indulgence to the petitioner. However, it was not controverted that the injury has been found to be simple and that the brain scan does not disclose any fracture or haemorrhage or contusion.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Assistant Chief Judicial Magistrate 14th, Patna in Gandhi Maidan PS Case No. 39 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses, and (iv) that the petitioner shall cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to cooperate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to



the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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