

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.4921 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- KUTUMBA District- Aurangabad

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ARVIND PASWAN, S/o Surya Dev Paswan R/o Village- Rajpur, P.S.-
Kutumba, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr. Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 06-08-2021 Heard Mr. Aman Vishal, learned advocate for

the petitioner and Mr. Kalyan Shankar, learned APP for

the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Kutumba P. S. Case No. 138
of 2020, dated 17.08.2020, instituted for the offences
under Sections 147, 148, 149, 323, 341, 307, 504 and
506 of the Indian Penal Code.



The accusation in the F.I.R. is that 18 accused persons including the petitioner called out Khalil, Parvez and Asif from their houses and threatened to kill them. Thereafter, the accused persons went near the local mosque and started hurling abuses. Because of the assault perpetrated, the aforesaid three persons, Khalil, Parvez and Asif were injured. Khalil has received two injuries, one of which has been found to be grievous. Parvez and Asif have received simple injuries.

The learned advocate for the petitioner has submitted that the occurrence took place because of some dispute over a drainage of sewerage water.

There is a counter version of the occurrence also, which has been lodged under various Sections of the Indian Penal Code and under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The learned advocate for the petitioner has submitted that out of 18 persons who have been named



in the F.I.R. along with the petitioner, no specific overt act has been attributed against anyone of them, much less the petitioner.

It appears, it has been argued, that there was a clash between people of two communities, in which both sides have received injuries. The informant has tried to give it a colour of an attempt to disturb the communal harmony, which in fact is not the case. It is a simple case of two groups of people fighting over drainage of water.

Regard being had to the nature of accusation, the background facts and that the petitioner does not have criminal antecedents, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,



Aurangabad (Bihar), in connection with Kutumba P. S.
Case No. 138 of 2020, subject to the conditions as laid
down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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