

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18541 of 2022

Arising Out of PS. Case No.-452 Year-2021 Thana- KHAGARIA District- Khagaria

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Jitendra Paswan S/o Late Rajkumar Paswan Resident of Village- Mathurapur,
P.S. and District - Khagaria.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and learned

A.P.P. for the State as well as learned counsel for the informant

of the case.

The petitioner seeks regular bail in connection with
Khagaria P.S. Case No. 452 of 2021 (G.R. No. 1810 of 2021)
lodged under Sections 341, 323, 354, 307, 504, 506/34 of the
Indian Penal Code.

As per the prosecution case, on 11.03.2021 when the
informant was going for work at a nearby house, the present
petitioner blocked her and started to outrage her modesty, her
husband reached there, upon which the petitioner attacked on
him with *Khanti* and others also attacked on him with *Lathi*
Danda. By the attack of the present petitioner, the husband of
the informant injured, thereafter, the allegation of snatching of

12 *bhar* gold chain and Rs.35,000/- was there. On the basis of which the present case has been lodged on 09.06.2021.

Learned counsel for the petitioner submits that date of occurrence as transpires from the F.I.R. is 11.03.2021 at about 8.30 p.m. whereas the present case has been lodged on 09.06.2021 i.e. after about 3 months and there is no plausible explanation of delay. It has been further pleaded that there was injury report of the injured which is Annexure No.2 and said injury was found by the Doctor as lacerated wound which is simple in nature and further opinion was reserved for C.T. Scan of Brain. Learned counsel for the petitioner further submits that petitioner is in custody since 19.01.2022 and charge sheet has already been filed. He also submits that there is no criminal antecedent of the petitioner. He also submits fairly that the learned Trial Court has observed in the order sheet that the said injury is grievous in nature.

Learned counsel for the informant appeared in this case and opposes the prayer for bail by showing a photograph to the Court to see the injury and reject the bail. Upon query as to why there is delay of filing 3 months in lodging F.I.R., he has no plausible reason for the same.

Learned counsel for the State opposes the prayer for

bail but became silent on the question that there is delay of about 3 months in lodging of F.I.R.

In the present facts and circumstances of this case as well as submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 452 of 2021 (G.R. No. 1810 of 2021), subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The petitioner is directed to appear on each and every date before the Trial Court, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond. If he shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of his bail bond.

Accordingly, the bail application stands allowed.

(Dr. Anshuman, J.)

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