

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26542 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- MANPUR District- Nalanda

Pankaj Paswan @ Pankaj Kumar, S/o Late Sitaram Paswan, R/o village-
Singathu (Tadapar), P.S.- Manpur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Pankaj Kumar, learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Manpur P.S. Case No. 17 of 2022 registered for
the offences under Sections 341, 323, 325, 307, 504/34 of the
Indian Penal Code.

As per prosecution case, it is alleged that on
17.02.2022, at about 2.25 P.M., while the son of the informant
was going to his field for irrigation, in the meantime, Pankaj
Paswan and Chotu Kumar, started abusing and assaulted him
with wielding machine. It is further alleged that the informant
came there and tried to save his son, but both the accused



persons also assaulted him with hammer. It is further alleged that this petitioner repeatedly assaulted the informant by means of hammer over his head.

Learned counsel appearing on behalf of the petitioner submits that in fact on account of some dispute with regard to irrigation of land, a free fight took place between both the parties, in which the informant has sustained some injuries. However, there is a counter version of the present case, being Manpur P.S. case no. 18 of 2022 registered by the petitioner. It is further submitted that on account of free fight, the petitioner and his family members have also sustained some injuries, but the prosecution is not able to explain the injuries sustained over the person of the petitioner. It is next submitted that the petitioner was not having any weapon in his hand, rather it is alleged that the informant assaulted by wielding machine and hammer, which is not said to be the weapon. It is lastly submitted that the petitioner is in custody since 18.02.2022, having fair antecedent.

Learned APP for the State opposes the bail application and submits that the informant sustained grievous injuries.

Having regard to the submissions made on behalf of the parties and considering the nature of allegation as also the



weapon used in the crime, apart from the fact that the petitioner is having fair antecedent, is in custody since 18.02.2022, as also there is counter version of the present case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Nalanda at Bihar Sharif in connection with Manpur P.S. Case No. 17 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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