

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44713 of 2021

Arising Out of PS. Case No.-193 Year-2021 Thana- MADHAURAH District- Saran

Pawan Giri Son of Sri Ravindra Giri Resident of Village - Nautan, P.S.-
Marhowrah, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-06-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Mukesh Kumar Singh, learned counsel for
the petitioners as well as Mr. Krishna Kumar Singh, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Marhowrah P.S.Case No. 193 of 2021 registered for the
offences punishable under Sections 341, 323, 325, 307, 504,
379/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on
28.03.2021 while the informant was on the way to his home he
was intercepted by all the FIR named accused persons and
started abusing the informant. On being protested all the



accused persons assaulted the informant. It is specifically alleged that this petitioner assaulted the informant over his head by means of iron rod due to which he sustained head injury.

At the outset, learned counsel for the petitioner submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted on behalf of the learned counsel for the petitioner that with regard to the occurrence which had taken place on 28.03.2021 the fardbeyan of the informant was recorded on 01.04.2021 and the substantive FIR has been instituted on 08.04.2021 and no explanation for delay has been given. It is further submitted that the alleged occurrence took place on the date of *Holikadahan* while the ladies / girls of the village were going for offering Puja and this petitioner was indulged in passing vulgar and filthy remarks. It is also submitted that injuries which are sustained on the persons of the informant were found to be simple in nature and in support of his contention the injury report has been brought on record as contained in Annexure-2 to this application. It is lastly submitted that petitioner has clean antecedent and there was no motive to assault the informant.

On the other hand, learned APP for the State opposes



the bail application of the petitioner and submits that there is specific allegation against the petitioner that he assaulted the informant by means of iron rod and the injury report corroborate the prosecution case.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is delay in lodging of the FIR in as much as the injuries which are said to have sustained on the person of the informant has been found to be simple in nature and this petitioner has clean antecedent, let the petitioner above named, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra, Saran in connection with Marhowrah P.S.Case No. 193 of 2021 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.



(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

Let the defects, if any, be removed within four weeks from today.

Heard Mr. Mukesh Kumar Singh, learned counsel for the petitioners as well as Mr. Krishna Kumar Singh, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Marhowrah P.S.Case No. 193 of 2021 registered for the offences punishable under Sections 341, 323, 325, 307, 504, 379/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 28.03.2021 while the informant was on the way to his home he was intercepted by all the FIR named accused persons and started abusing the informant. On being protested all the accused persons assaulted the informant. It is specifically alleged that this petitioner assaulted the informant over his head by means of iron rod due to which he sustained head injury.

At the outset, learned counsel for the petitioner submits at the bar that as per his information till date the process



under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted on behalf of the learned counsel for the petitioner that with regard to the occurrence which had taken place on 28.03.2021 and the fardbeyan of the informant was recorded on 01.04.2021 and the substantive FIR has been instituted on 08.04.2021 and no explanation for delay has been given. It is further submitted that the alleged occurrence took place on the date of *Holikadahan* while the ladies / girls of the village were going for offering Puja and this petitioner was indulged in passing vulgar and filthy remarks. It is also submitted that injuries which are sustained on the persons of the informant were found to be simple in nature and in support of his contention the injury report has been brought on record as contained in Annexure-2 to this application. It is lastly submitted that petitioner has clean antecedent and there was no motive to assault the informant.

On the other hand, learned APP for the State opposes the bail application of the petitioner and submits that there is specific allegation against the petitioner that he assaulted the informant by means of iron rod and the injury report corroborate the prosecution case.

Having considered the submissions made on behalf of



the parties and taking into consideration the fact that there is delay in lodging of the FIR in as much as the injuries which are said to have sustained on the person of the informant has been found to be simple in nature and this petitioner has clean antecedent, let the petitioner above named, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra, Saran in connection with Marhowrah P.S.Case No. 193 of 2021 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

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(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J.)

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