

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39707 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- TEKARI District- Gaya

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DEVENDAR PASWAN S/O LATE DOMAN PASWAN @ PASURAM
PASWAN Resident of Village- Bajitpur, P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 39941 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- TEKARI District- Gaya

=====

ANUJ PASWAN SON OF DEVENDRA PASWAN R/O VILLAGE-
BAJITPUR, P.S.- TEKARI, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 39707 of 2022)

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 39941 of 2022)

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-12-2022

CRIMINAL MISCELLANEOUS No.39707 of 2022

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 341,
323, 504, 506, 354, 379 and 307 of the Indian Penal Code.

Learned counsel for the petitioner submits that the



petitioner is a person with clean antecedent and the informant alleges that Anju assaulted him by *tangi* causing injury on head, further Devendra assaulted by *lathi* causing injury on finger of right hand and rest of the accused persons assaulted his family members.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that even presuming what has been alleged is true, then the allegation is of assault causing injury on finger of the right hand which is non-vital part of the body.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Tekari P.S. Case No. 227 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 39941 of 2022



Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 341, 323, 504, 506, 354, 379 and 307 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that Anju assaulted him by *tangi* causing injury on head, further Devendra assaulted by *lathi* causing injury on finger of right hand and rest of the accused assaulted his family members.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that allegation is of assault by *tangi* on his head, but from perusal of the injury report, it would manifest that the injury has been caused by hard and blunt substance.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the injury is on vital part of the body and the opinion has been reserved which amply demonstrates that the injury is not simple, it is next submitted that it may a possibility that the informant was assaulted by the back side of the *tangi* and thus the injury was found to be caused by hard and blunt substance.



Learned counsel for the petitioner rebuts the submission of the learned APP and submits that it is not that in every circumstances when opinion with regard to injury is reserved, the injury is grievous.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Tekari P.S. Case No. 227 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial court before accepting the bail bonds of the petitioner shall verify whether injury caused to the informant on his head is grievous or simple and, in the event, if it is found that the injury is grievous, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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