

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48026 of 2022

Arising Out of PS. Case No.-258 Year-2021 Thana- KOTWA District- East Champaran

Shailesh Paswan Son of Ram Lochan Paswan R/V- Belwa Madho, P.s-
Kotwa, Dist- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-12-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects within four weeks.

The petitioner apprehends his arrest in a case registered for the offence punishable under sections 147, 148, 149, 323, 324, 307, 447, 504, 506 of the Indian Penal Code.

Allegedly, the accused persons alongwith two to three unknown persons with a view to commit murder inflicted *farsa* blow on the head of the informant causing cut injury bleeding and assaulted her with *iron rod* causing fracture in her hand and thereafter all the accused assaulted her with *lathi* and *danda*.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the



petitioner further submits that the allegation against the petitioner is that he assaulted the informant by hard substance on the hand and the informant's injury are simple in nature. There is land dispute between the parties and petitioner and informant both are agnates. Learned counsel for the petitioner further submits that the offence took place on 13.09.2021 and F.I.R. has been filed on 06.10.2021 after delay of more than 22 days. There is no explanation of the delay of the filing of the present F.I.R. creating serious doubt on the prosecution case. From the impugned Order, the injuries are grievous in nature. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The Petitioner has no criminal antecedent.

Learned APP for the State vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case and materials available on record, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/Successor Court in connection with Kotwa P.S. Case
No. 258 of 2021, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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