

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21193 of 2023

Arising Out of PS. Case No.-33 Year-2020 Thana- KINJAR District- Jehanabad

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VIGAN PASWAN SON OF BAL GOVIND PASWAN R/O VILLAGE-
JHUNATHI, P.S.- KINJAR, DISTRICT- ARWAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-06-2023 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, 148, 341, 323, 325, 447, 308 and 504 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 petitioner assaulted her husband causing injury. It is next submitted that petitioner was given the benefit of Section 41(a) of the Cr.P.C. during the course of investigation but then police after investigation submitted charge-sheet under non-bailable section.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner already had the benefit of Section 41(a) of Cr.P.C. as such the petitioner should surrender and seek bail.

The learned counsel for the petitioner rebuts the submission of the APP and relies on an order of this Court in the case of Gauri Shankar Roy vs. the State of Bihar reported in 2015 3PLJR 618 wherein this Court after examining the provisions of law and the earlier judgment had come to a considered conclusion that an anticipatory bail is maintainable in the event, if the privilege of Section 41(a) of the Cr.P.C. is availed by the accused during the course of investigation, it is next submitted that though the informant alleges that petitioner assaulted her husband but the injuries suffered is simple in nature.

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 Kinjar
P.S. Case No. 33 of 2020 subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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