

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43890 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- SAHPUR District- Bhojpur

Bharat Paswan @ Bharat Ram, Son Of Jageshwar Paswan, Resident of
Village- Bansipur, P.S.- Shahpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Shahpur P.S. Case No. 121 of 2023 dated 15.03.2023 registered
for the offences punishable under Sections 147, 149, 341, 323,
307, 324, 504 of the Indian Penal Code.

3. The main submissions advanced by the learned
counsel for the petitioner are that there is a case and counter
case in between both the parties, in the present matter altogether
17 persons including the petitioner have been named in the FIR
but there is no specific allegation against the petitioner and the
accused persons including the petitioner are stated to have
assaulted the informant's son by mean of lathi, danda, iron rod
and knief but on the head of the informant's son only one injury



was found and the same was opined to be caused by hard and blunt object and in this regard the order impugned may be perused. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 16.03.2023 and against him the investigation has been completed and counter case bearing Shahpur P.S. Case No. 122 of 2023 was lodged by this petitioner and 3-4 persons sustained injury in the occurrence to the petitioner's case and the same is sufficient to show that an incident of free fight took place in between both the parties.

4. Learned APP appearing for the State opposes the bail prayer.

5. Having regard to the facts and circumstances of this case and considering the above submissions and mainly the facts that in the FIR altogether 17 persons including the petitioner have been named and they are alleged to have assaulted the informant's son, though there is specific allegation against this petitioner and co-accused Sonu Paswan in respect of assault to the informant's son but in the order impugned it is mentioned that on the head of the informant's son only one injury has been found while as per the FIR it was alleged that this petitioner and co-accused Sonu Paswan inflicted 10-15



lathi blows on the body of the informant's son, accordingly, in view of the said contradiction in respect of the allegation levelled against this petitioner and also taking into account the fact that in between both the parties there is a case and counter case and as per above submission 3-4 persons from the petitioner's side also sustained injuries in the alleged occurrence, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Shahpur P.S. Case No. 121 of 2023 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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