

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46944 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- BAHERA District- Darbhanga

Harish Chandra Paswan S/O Late Bhikhar Paswan R/O Village- Laxmanpur
Ghonghiya, P.S. Bahera, Dist. Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-09-2023 Heard Mr. Ajay Kumar, learned counsel appearing on
behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Bahera P.S. Case No. 132 of 2023, registered for the
offences punishable under Sections 341, 323, 307, 354 and
504/34 of the Indian Penal Code.

3. Allegedly, on account of a dispute arisen out of the
water drainage, the petitioner and other co-accused persons
started abusing and assaulting the informant. It is further alleged
that on protest being made, the petitioner assaulted the
informant by means of *farsa* over her head due to which she
sustained injury. Further allegation has been levelled against all
the other accused persons is of assault and snatching of
valuables.



4. Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that on account of a trifle, the present FIR has been instituted though there is a counter version of the present case being Bahera P.S. Case No. 119 of 2023 instituted by the wife of the petitioner, which is admittedly earlier on the point of time. He next submits that the alleged occurrence took place on 09.03.2023, but surprisingly the FIR has been instituted on 13.03.2023 and no plausible explanation has been given. He next submitted that the injury sustained to the person of the informant is already found to be simple in nature and, moreover, the petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of injury and the delay in lodging of the FIR, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



the learned Additional Chief Judicial Magistrate, Benipur,
Darbhanga in connection with Bahera P.S. Case No. 132 of
2023, subject to the conditions laid down in Section 438(2)
Cr.P.C. with the further condition that one of the bailors shall be
the own/close family members of the petitioner.

(Harish Kumar, J)

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