

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53189 of 2022**

Arising Out of PS. Case No.-397 Year-2022 Thana- BARH District- Patna

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Anshu Kumar, Son of Shri Shivan Paswan @ Shivrindan Paswan Resident of  
village - Budhnikhak, P.S.- Barh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate.

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

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      14-02-2023              Learned counsel for the petitioner is permitted to  
  
remove the defect(s), as pointed out by the office, within a  
  
period of four weeks from today.

Heard Mr. Manoj Kumar Pandey, learned counsel for  
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Barh P.S. Case No. 397 of 2022, registered for  
the offences punishable under Sections 341, 323, 307, 504,  
506/34 of the Indian Penal Code.

Allegedly, the petitioner along with co-accused  
Jackey Kumar and one unknown person assaulted the informant  
by means of *Panja* on his head, resulting into injury. It is also  
alleged that co-accused Jackey Kumar threatened the informant  
on the point of pistol. Cause of occurrence is shown to be land



dispute.

Learned counsel appearing on behalf of the petitioner submits that the petitioner and informant are co-villagers and neighbour and no specific allegation has been leveled against the petitioner. He further submits that from the impugned order it is admitted that injury has been found to be simple in nature caused by hard and blunt object. He next submits that the petitioner having fair antecedent, is in custody since 28.06.2022 and the FIR is instituted in the background of a land dispute and in any view of the matter this is not a case under Section 307 of the Indian Penal Code.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus allegation vis-a-vis the nature of injury, which has found to be simple in nature, coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -I, Barh, District Patna, in connection with Barh P.S. Case No. 397 of 2022,



subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

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