

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54097 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- PAWANA District- Bhojpur

Satish Kumar @ Satish Singh Son Of Upendra Yadav Resident Of Village
Pawar Ps Pawana District Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Raju Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard Mr. Raju Kumar Singh, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Pawana P.S. Case No. 35 of 2023, registered for the
offences punishable under Sections 341, 323, 307, 504, 506, 34
of the Indian Penal Code.

3. Allegedly while the husband of the informant has
gone to cut the grasses, in the meantime, all the FIR named
accused, including the petitioner, surrounded him and started
abusing. On protest being made, the petitioner and others
assaulted the husband of the informant by means of iron rod and
lathi due to which he sustained serious injury.

4. Learned counsel appearing on behalf of the



petitioner submits that the person of both the sides are *gotiyas* and there is counter version of the present case being Pawana P.S. Case No. 36 of 2023 instituted by co-accused Chandan Kumar against the informant and her family members. He next submits that on account of land dispute there was a free-fight due to which the husband of the informant sustained some injury, however, the injury has not been discussed in the impugned order. It is further submitted that the occurrence took place on 08.05.2023 but the present FIR has been instituted after a delay of two days and as such the deliberation can be ruled out. He lastly submits that the petitioner is also accused of another case bearing Pawana P.S. Case No. 12 of 2023, however, he is on bail.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is one of the author of the injury.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation of assault to the husband of the informant but only one injury is found, apart from delay in lodging of the FIR and the genesis of the crime, let the petitioner abovenamed 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 Judicial Magistrate 1st Class, Bhojpur at Ara in connection with Pawana P.S. Case No. 35 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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