

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56402 of 2023**

Arising Out of PS. Case No.-396 Year-2022 Thana- PIRPAINTI District- Bhagalpur

MD. SHAHWAN @ S.K. SAHWAN @ SIJU @ SHEIKH SHAHWAJ S/O  
S.K. ASIR @ SHEIKH ASIR R/O VILLAGE- KUJBANNA, PS.  
PIRPAINTY, DIST. BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

- 2      30-08-2023      1.                      Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2.                      This is an application for grant of anticipatory bail in connection with Pirpainty PS case no. 396 of 2022, registered for the offences punishable under Section 379 and other allied sections of the Indian Penal Code.
3.                      The allegation is regarding the accused persons including the petitioner herein having entered the house of the informant, whereafter the co-accused person had assaulted the informant and others. As far as the petitioner is concerned, he is stated to have assaulted the aunt of the informant.
4.                      The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the



present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted by referring to paragraph no. 10 of the present petition that there is no injury report of the aunt of the informant on record of the case, meaning thereby that she has not sustained any injury, hence, benefit of doubt may be granted to the petitioner for the purposes of grant of anticipatory bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that it is the categorical averment of the petitioner that there is no injury report of the aunt of the informant on record, whom the petitioner is stated to have assaulted apart from the fact that the petitioner is having a clean antecedent, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail



on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Bhagalpur in connection with Pirpainty PS case no. 396 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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