

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55993 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- KHUDWA District- Aurangabad

1. BISHUN PAL @ BISHNU PAL @ VISHUN PAL SON OF ALAKHDEO BHAGAT @ ALAKHDEO PAL R/O VILLAGE- CHATRA TOLA, MASHINGANJ, P.S.- KHUDWAN, DISTT.- AURANGABAD (BIHAR)
2. KISHUN PAL @ KISHUN KUMAR SON OF ALAKHDEO BHAGAT @ ALAKHDEO PAL R/O VILLAGE- CHATRA TOLA, MASHINGANJ, P.S.- KHUDWAN, DISTT.- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aman Vishal, Advocate Mrs. Leelawati Kumari, Advocate
For the informant	:	Mr. Dhaneshwar Prasad, Advocate
For the State	:	Mr. Pradeep Narwin Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Khudwan P.S. Case No. 40 of 2022 registered for the offences punishable under Sections 341, 33, 307, 373, 04, 506, 34 of the Indian Penal Code.

3. Allegation against the petitioners is that both the petitioners assaulted the informant by means of *hasuli* and *khanti* respectively due to which the informant sustained head injury.



4. Learned counsel appearing on behalf of the petitioner submits that the genesis of the alleged occurrence pertains to irrigation of fields by the petitioner which was objected by the informant. Learned counsel further submits that the injury which has been sustained on the body of the informant is not on vital part as alleged in the F.I.R. The allegation against the petitioner No.2 is that he has assaulted the informant on the back of the body of the informant which is not substantiated by the report of the doctor as would appear from Annexure-2 .

5. Learned counsel appearing on behalf of the O.P. No.2 submits that from Annexure 2, it appears that doctor who has examined the informant on 10.06.2022 at primary health centre, Aurangabad has found lacerated wound on frontal head, swelling with pain on both testis and forearm. The informant has also received injury on his head and right arms.

6. Learned counsel for the State has vehemently opposed the prayer for grant of anticipatory bail.

7. Having heard rival submissions of the parties and on perusal of the allegation made in the FIR, it appears that the allegation against petitioner No.2 that he has assaulted the informant on his head and the informant has sustained injury



and no injury has been found on the back of the informant as would appear from the injury report submitted by the Deputy Superintendent Sadar Hospital, Aurangabad and the injury on the forearm, right elbow and left arm, the petitioner No.1 Bishun Pal @ Bishnu Pal @ Vishun Pal, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Khudwan P.S. Case No. 40 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure and with a further condition that if the statement made in paragraph No.3 of the present bail application with respect to the criminal antecedent of the petitioner is found to be incorrect, this order will automatically lose its force.

8. So far as the prayer for bail of petitioner No.2 is concerned, for the reasons mentioned above, the same is rejected.

(Purnendu Singh, J)

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