

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59269 of 2023

Arising Out of PS. Case No.-82 Year-2023 Thana- AMBA District- Aurangabad

1. Rakesh Paswan S/O Bhagwan Paswan R/O Village- Mahsu Tikri, P.S. Amba, Dist. Aurangabad (Bihar)
2. Pintu Bhuiyan @ Viaksh Bhuiyan @ Vikash Kumar S/O Sohar Bhuiyan R/O Village- Mahsu Tikri, P.S. Amba, Dist. Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Aman Vishal, Advocate
		Mrs. Leelawati Kumari, Advocate
For the State	:	Mr.Jitendra Kumar Singh, APP
For the Informant	:	Mr. Ashok Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2023 The bail application on behalf of petitioner no. 2 namely, Pintu Bhuiyan @ Vikash Bhuiyan @ Vikash Kumar was not pressed since he was arrested during the pendency of this application as is apparent from the earlier order dated 11.10.2023.

2. Heard learned counsel for petitioner no. 1 as well as learned counsel for the informant and learned APP for the State.

3. In the present case, petitioner no. 1 Rakesh Paswan is apprehending his arrest in connection with Amba P.S.



Case No. 82 of 2023, registered on 09.04.2023 for the offences under Sections 341, 323, 324, 307, 147, 148, 149, 379 of the Indian Penal Code.

4. As per prosecution case, petitioner no. 1 and other co-accused persons assaulted the brother and cousin of the informant when they requested the accused persons to allow them to pass through the road which was barricaded by the accused persons along with 2-3 unknown persons. Injuries on head of the victims were caused.

5. Learned counsel for petitioner no. 1 submits that the petitioner is innocent and has falsely been implicated in this case. There is general, omnibus and non-specific allegation against the petitioner no. 1 and other co-accused persons. Moreover, the injury stated to be on the head is simple injury though caused by sharp cut substance. The informant and even the witnesses examined during investigation are not the eye witnesses. There is delay of more than 24 hours in lodging the FIR for which there is no satisfactory explanation. Learned counsel further submits that there was no intention to cause death as there was no repetition of blow and only one injury was found on each of the victims. No theft was committed and the allegation on this account is merely ornamental. The petitioner



no. 1 has got no criminal antecedent.

6. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner and other co-accused persons assaulted with sharp weapon and injury report of the victims shows incised wound over middle of scalp about 2 ½” x 1/2” and on other persons is also incised wound 1 ½” x ¼” over left side of scalp. Learned counsel further submits that the injury reports show nature of injury to be simple caused by sharp weapon and CT Scan shows haematoma which may be dangerous for life.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple nature of injury without no specific allegation against the petitioner for causing injury, let the petitioner no. 1 above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/concerned court in connection with Amba P.S. Case No. 82 of 2023, subject to the condition as laid



down under Section 438(2) of the Code of Criminal Procedure
and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

