

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68839 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- PIPRA District- East Champaran

1. Chhotelal Paswan Son Of Late Bachan Paswan R/V- Bharthuia, P.S.- Pipra, District- East Champaran
2. Lakhindra Paswan Son Of Wakil Paswan R/V- Bharthuia, P.S.- Pipra, District- East Champaran
3. Uday Paswan Son Of Wakil Paswan R/V- Bharthuia, P.S.- Pipra, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehend their arrest in connection with Pipra P.S. Case No. 98 of 2022 registered for the offences punishable under Sections 341, 323, 325, 379, 307 and 34 of the Indian Penal Code (in short 'I.P.C.').

The allegation against these petitioners is to assault



informant and others by means of sickle (*hasuli*), rod, etc. to informant and also to cause fracture in his hand during the course of occurrence.

Learned counsel appearing on behalf of the petitioners submitted that allegation to assault with sickle (*hasuli*) at non-vital parts of the body of informant is available against co-accused Arvind Kumar, who is not the petitioner for the present. It is submitted that the allegation against these petitioners is appearing very much general and omnibus and as during the course of occurrence hand of informant got fractured, implication was made under Section 307 of the I.P.C. It is submitted that grievous injury, as alleged, caused on non-vital parts of the body, which is not sufficient to cause death in ordinary course of nature. While concluding the argument it is submitted that petitioner no. 1 found involved in one more criminal case, where he is on bail and petitioner no. 2 and 3 are men of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the nature of allegation as regard to assault which is appearing very much general and omnibus coupled with the fact that grievous injury, as alleged, is on non-vital part



of the body, let all above named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran/concerned Court, where the case is pending in connection with Pipra P.S. Case No. 98 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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