

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4607 of 2024

Arising Out of PS. Case No.-213 Year-2023 Thana- PIPRA District- Supaul

Subhash Paswan S/O Shivchandra Paswan @ Shivchand Paswan R/O Village-
Pathra, Ward No. 03, P.S- Pipra, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 25-04-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Rabindra Kumar.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 371, 342,
323, 384, 504, 354B, 379 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the
petitioner has antecedent of two cases. It is next submitted that
in the nature of allegation as alleged in the FIR, prima facie no
offence under Section 371 of the IPC is made out. It is further
submitted that allegation against the petitioner is of assaulting
Abhimanyu Kumar by an iron rod causing injury on head.
4. It is next submitted that by order dated 8-2-2024,
case diary along with final injury report was called for. It is next
submitted that till date case diary and final injury report have



not been received as would manifest from the office report dated 6-3-2024. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that blow was not repeated.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is alleged to have assaulted Abhimanyu by an iron rod causing injury on head but then fairly submits that the injury report of the injured is not available on record.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pipra P.S. Case No. 213 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court before confirming the provisional anticipatory bail bonds of the petitioner shall verify the injury report of Abhimanyu and in the event, if it is



found that he suffered grievous injury on head in that event, the provisional anticipatory bail bonds of the petitioner shall be cancelled but if the injury is simple in that event the provisional anticipatory bail bonds of the petitioner shall be confirmed on same terms and conditions.

(Satyavrat Verma, J)

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