

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15047 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- JAGDISHPUR District- Bhojpur

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Pawan Kumar S/o Samta Yadav @ Kamta Yadav R/O Village- Rupbandh, P.S- Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-03-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor
appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.
and apprehending his arrest in connection with
Jagdishpur P.S. Case No. 263 of 2023, registered for
the offences punishable under Sections 341, 323, 365,
307, 384, 379, 324, 504, 34 of the Indian Penal Code.

3. The allegation against above named
petitioner is to assault informant alongwith other co-
accused persons, causing head and bodily injuries,
having intention to cause death, where occurrence is



alleged to be arises out of previous enmities out of local disputes and differences.

4. Learned counsel appearing on behalf of the petitioner submitted that the allegation regarding assault is appearing very much general and omnibus against petitioner. It is submitted that if the narration of FIR be taken into consideration, it can be said safely that petitioner was not under intention to cause death for the simple reason that despite of availability of pistol, no firing was made or not even a bullet injury was caused to informant. It is submitted that as per injury report, nature of injury found simple and, as such, the factual background of this case clearly suggest *prima facie* that petitioner was not under intention to cause death of the informant, which is a prime consideration to make out a case under Section 307 of the Indian Penal Code. It is submitted that allegation to demand extortion of Rs. 50,000/-and also snatching of mobile is ornamental in nature just to aggravate the allegation on its face.



5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances, as nature of injury appears simple, where no firing alleged to be made despite of availability of pistol, negating *prima facie* intention to cause death *qua* petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara/concerned Court, where the case is pending in connection with Jagdishpur P.S. Case No. 263 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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