

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27128 of 2024

Arising Out of PS. Case No.-594 Year-2023 Thana- RAJAON District- Banka

=====

Pankaj Pasi @ Pankaj Paswan Son of Ram Paswan @ Rama Pasi, Resident of
Village- Chakjaway, Makramdih, Police Station- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the State : Mr. Damodar Prasad Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner apprehends his arrest in connection with Rajoun P.S. Case No. 594 of 2023 dated 24.11.2023 registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code, but charge-sheet has been submitted under Sections 341, 323, 308, 504 and 506 of the Indian Penal Code.

3. The prosecution case as emerges from the F.I.R. is that the petitioner along with other co-accused persons was cutting the paddy crop of the informant's field and on protest by the informant, the petitioner along with other co-accused persons abused and assaulted to him by fists and slaps. The allegation against the petitioner is of giving *dabia* to another co-



accused who assaulted the informant by *dabia* causing injury on his shoulder.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that even as per the prosecution case, no case is made out under Section 307 of the Indian Penal Code because as per the allegation, he is not the assailant. The only allegation against the petitioner is that he allegedly supplied *dabia* to the assailant but the assault is not on the vital part of the alleged victim. The injury caused on the shoulder of the informant is simple in nature as per Annexure-2.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

6. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

7. However, the learned APP for the State has vehemently opposed the prayer for bail.

8. Considering the nature of the allegation and in view of the fact that prima facie case is not made out under Section 307 of the Indian Penal Code, this application is allowed, directing the petitioner above named, to be enlarged on bail in



the event of his arrest or surrender before Ld. trial court within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Banka/Court concerned, in connection with Rajoun P.S. Case No. 594 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of Ld. trial court that the petitioner has any criminal antecedent, Ld. trial court shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of Ld. trial court that statement regarding previous bail petition is wrong, Ld. trial court shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J.)

ravishankar/S.Ali

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

